

In The Matter Of:
Project Veritas Acton Fund v.
Daniel F. Conley, et al.

Robert Joel Halderman
April 6, 2017

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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 EASTERN DIVISION

4 C.A. No. 1:16-cv-10462-PBS

5
6 PROJECT VERITAS ACTION FUND,

7 Plaintiff,

8 vs.

9 DANIEL F. CONLEY, in his

10 official capacity as Suffolk

11 County District Attorney,

12 Defendant.

13
14 DEPOSITION OF ROBERT JOEL HALDERMAN,

15 individually and as corporate designee of Project

16 Veritas Action Fund, a witness called on behalf of

17 the Defendant, taken pursuant to the applicable

18 provisions of the Federal Rules of Civil Procedure

19 before Cynthia A. Powers, Professional Shorthand

20 Reporter and Notary Public in and for the

21 Commonwealth of Massachusetts, at the Office of the

22 Attorney General, One Ashburton Place, Boston,

23 Massachusetts, on Thursday, April 6, 2017,

24 commencing at 8:58 a.m.

1 **APPEARANCES:**

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6 Representing the Plaintiff

7
8 Eric A. Haskell, Esquire

9 Matthew Landry, Esquire

10 The Commonwealth of Massachusetts

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15 Representing the Defendant

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(Exhibits retained by Mr. Haskell)

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P R O C E E D I N G S

ROBERT JOEL HALDERMAN,

having been satisfactorily identified
and duly sworn by the Notary Public,
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. HASKELL:

Q. Good morning, Mr. Halderman.

A. Good morning.

Q. We met just a moment ago when you
arrived. My name is Eric Haskell. I'm an assistant
attorney general. With me is assistant AG Matt
Landry. Together we are representing the Defendant
in the case that Project Veritas Action Fund has
brought against the DA, Dan Conley and, in effect,
the Commonwealth of Massachusetts relating to
Massachusetts wiretapping statute. So far so good?

A. Yes.

Q. Have you been deposed before?

A. Yes.

Q. And how many times?

A. Twice.

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1 Q. You mentioned a moment ago something
2 about being arrested, convicted --

3 A. Yes.

4 Q. -- and spending some time at Rikers
5 Island Jail in New York City. Can we pull out of
6 your stack of exhibits there what was marked as
7 Exhibit 28?

8 A. Yes.

9 Q. Plaintiff's supplemental responses to a
10 set of request for admissions. Let me ask you to
11 turn to page three, request for admission number 12.

12 A. Yes.

13 Q. And so that request for admission had
14 asked PVA to admit that the Robert J. Halderman whom
15 you identify in your initial disclosure as executive
16 producer is the same person who on or about March 9,
17 2010, pled guilty to and was convicted of attempted
18 grand larceny by extortion in violation of the New
19 York Penal Code in People versus Halderman IND
20 number 4957/2009, Supreme Court of New York County
21 Criminal Term, and these responses admit that fact.

22 A. Mm-hmm.

23 Q. Is that Robert J. Halderman described in
24 number 12 you?

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1 A. Yes, indeed.

2 Q. Are those facts accurate?

3 A. Indeed, they are.

4 Q. Is it accurate to say that the
5 circumstances that led to that conviction were you
6 sought to obtain money from a person in exchange for
7 you not publicizing certain information you had
8 about that person?

9 A. Well, you could interpret it that way.
10 I interpret it as jealous rage and an act of -- how
11 do I phrase it -- somewhat kind of ridiculousness to
12 the point of absurdity. The charge was that, yes.

13 Q. Is it fair to say that what you pled
14 guilty to was seeking to obtain money from a person
15 in exchange for you not publicizing information you
16 had about that person?

17 A. Indeed.

18 MR. HASKELL: Off the record.

19 (Discussion held off the record)

20 BY MR. HASKELL:

21 Q. Can I ask you, Mr. Halderman, to look at
22 Exhibit 1 and Exhibit 2, which should be all the way
23 at the bottom of that stack in front of you. Let's
24 actually look just at Exhibit 1 first.

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1 A. Okay, yep.

2 Q. Have you seen that document before?

3 A. Yes, I have.

4 Q. Let's flip to Exhibit 2.

5 A. Yes, and I have looked at this.

6 Q. So, Exhibit 2 designates you to speak on
7 behalf of PVA in response to certain topics that my
8 clients identified in this case; is that right?

9 A. Yes, sir.

10 Q. Okay. And what do you understand to
11 be -- let me rephrase that. What is the obligation
12 to speak on behalf of PVA on those topics mean to
13 you in your own words?

14 A. Well, as I understand it and based on
15 what I have read here, this actually is a definition
16 of what my expertise is and this is -- I'm the
17 executive producer of Project Veritas. I'm
18 integrally involved in our investigations and have
19 been since I started four years ago.

20 I also review most, if not all, of our
21 have videotape and recording, both video and audio
22 recording. I also am responsible for producing our
23 product which we release on the Internet and through
24 our website. So, my responsibilities are

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1 essentially the journalism, overseeing the
2 journalism.

3 James O'Keefe is integrally involved in
4 that process as well. I'm sort of the nuts and
5 bolts guy. When the tape comes in, I sit down and
6 watch it with one of my editors, and we talk about
7 it. We'll send stuff out for transcription. We'll
8 figure out the storyline. We evolve the story to
9 sort of solidify what we have found. That's what I
10 do.

11 Q. And you spoke a moment ago about being
12 integrally involved in Project Veritas and PVA's
13 investigations. Is that all of their
14 investigations?

15 A. Pretty much. I mean, I was thinking
16 about this the other day. There are things -- there
17 are times when I have been on vacation or I've been
18 involved in one of the investigations where there's
19 other stuff going on that I'm not as -- I know
20 what's going on.

21 It's a small organization, and it's a
22 small team. It's a very close knit team. We
23 collaborate and certainly, you know, in the first
24 couple of years, '14, '15, you know, there was,

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1 like, four or five of us. So, it wasn't like we had
2 to send memos out. You know what I mean?

3 I would yell, Russ, what's going on.
4 He'd say, oh, I don't know. So, it was a small
5 office and we were -- we all are very likable
6 people. In fact, we all get along exceedingly well.
7 There's open discussion about what's going on.

8 Q. So, you're in the middle of everything?

9 A. Try to be or at least know what's going
10 on. That's part of what my responsibility is and
11 what I try to do.

12 Q. That sounds good. Looking at Exhibit 2,
13 the topics that you're listed as a designee for,
14 have you had a chance to look through those topics?

15 A. Yep, I have.

16 Q. And are you knowledgeable and prepared
17 to testify about each of those topics?

18 A. Absolutely.

19 Q. Let me ask, Mr. Halderman, what did you
20 do to prepare for this deposition today?

21 A. Well, I kind of -- I went through --
22 Mr. Klein sent me a lot of these documents, and I
23 looked through them to make sure that I was aware
24 and recalled -- so, like, you know, you list the

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1 Q. I see. You said that you reviewed some
2 films as well. When we talk about a film that you
3 produce and is finalized and released to the public,
4 is it fair if we call that a video report?

5 A. Sure.

6 Q. So, the films that you reviewed to get
7 ready for deposition today, were those the published
8 video reports?

9 A. Yeah, and I only looked at that one
10 because I couldn't remember it. I went to the
11 website and clicked on it. So, that's the finished
12 report.

13 Q. The term "raw video," does that mean
14 anything to you?

15 A. Yes.

16 Q. What's it mean?

17 A. The unedited versions of our tapes.
18 When a journalist -- or in my old days, you would
19 shoot an hour. You would go to a fire, and you
20 would shoot thirty minutes, and you would cut it
21 down to two minutes so you could sell it to the
22 local TV stations.

23 Q. Raw video means full unedited video --

24 A. Correct.

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1 Q. -- that underlies a video report or
2 whatever the produced version is?

3 A. Correct.

4 Q. Did you review any raw video --

5 A. No.

6 Q. -- to prepare to testify today?

7 A. I reviewed all of the raw video in most
8 cases. That's what I do. That's my job. In the
9 case of, let's say, take, for example, the Grimes
10 story, the Alison Grimes in Kentucky; right?
11 Tennessee. Kentucky. I remember when we did that
12 investigation. I remember watching the tape when it
13 came in.

14 There was a number of undercover
15 journalists involved in that situation. I remember
16 picking the sound bites, and I remember constructing
17 it in a certain way that tells the best story.

18 I'm proud of that story. I thought it
19 was interesting that we were able to expose this
20 politician's hypocrisy in order to be elected. She
21 was willing to lie to her potential voters to get
22 elected.

23 Q. Let's talk about the Grimes
24 investigation. So, how did that investigation

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1 Q. What does that mean to you?

2 A. Well, there's a guy named John Legend.
3 By the way, wasn't his name. He change his name to
4 John Legend, which I think is real arrogant. A
5 legend is someone or a story that has great import
6 or value to certain people.

7 Q. Okay. What about a journalist's cover,
8 what does that term mean to you, cover?

9 A. In undercover reporting and
10 investigative undercover reporting, often
11 journalists who use that method have to come up with
12 an alias or a cover story. This is also quite
13 typical in law enforcement in undercover
14 investigations by law enforcement.

15 By the way, it is a very common way, and
16 law enforcement is another argument for this; that,
17 you know, it's proven that without the ability of
18 law enforcement to go undercover they wouldn't be
19 able to expose certain criminal activity. It
20 validates the idea of undercover work.

21 I think it both catches bad guys in the
22 criminal world and exposes wrongdoers in the public
23 world. Yeah, so basically if we have a journalist
24 who is, let's say, investigating a -- let's say that

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1 we were going to investigate the Flint water
2 situation where there's unbelievable lead levels in
3 the public water system in Michigan. Perhaps we
4 would present ourselves as an industrial plumbing
5 expert and go up there and talk to the people about
6 the situation there in order to try to understand
7 how this occurred, how it happened.

8 If we've read much of the Flint case,
9 that was public officials who made some very, very
10 bad decisions that ended up creating a water
11 situation in Michigan that's extremely detrimental
12 to the health of its citizens.

13 Q. The way the journalist presents
14 themselves in your example as industrial plumbing
15 expert, that's their cover?

16 A. Yes, sir.

17 Q. The journalist isn't an industrial
18 plumbing expert?

19 A. Nope. He might be. You never know, but
20 rarely.

21 Q. So, going back to the Grimes
22 investigation, what covers did the PVA journalists
23 use to approach those folks affiliated with the
24 Grimes campaign?

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1 A. In that particular case, it was a
2 relatively simple and non-sophisticated cover.
3 Basically what we will do is basically go in and
4 volunteer to work for the campaign. Our journalist
5 would say, I really like Alison Grimes. I would
6 like to help the campaign.

7 Campaigns are pretty easy places to
8 infiltrate and investigate. Certainly organizations
9 are much more challenging to get into. Typically,
10 campaigns are pretty easy. You don't have to be a
11 real sophisticated undercover journalist in order to
12 infiltrate a campaign.

13 I think in the case of Niko Elmaleh, I
14 don't think we had a cover. We were in the bar and
15 he was yakking. I don't think that the journalist
16 in that case even presented any kind of cover
17 whatsoever. He was more than willing to spout out
18 his thesis without any real prompting even.

19 Q. Did the journalist in that situation at
20 the bar introduce themselves? Did they give a name?

21 A. I don't recall. I don't believe so.

22 Q. Going back to what you were saying a
23 moment ago, is it fair to say that in the time
24 you've been with PVA, PVA has gone up a learning

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1 It's a federal statute. It's a bad law. It hinders
2 journalism in investigating the federal government.
3 Any time government makes a law that hinders the
4 freedom of the press, it's a bad law in my mind
5 because I think it violates the First Amendment.

6 Q. Before we leave the Grimes
7 investigation, and we're going to be coming back to
8 the Democracy Partners investigation a little bit
9 later --

10 A. One of my favorites.

11 Q. There's a lot to talk about that.

12 A. Indeed.

13 Q. Before we leave the Grimes
14 investigation, the PVA journalists who approached
15 the campaign volunteering to work, they were the
16 ones who made those undercover recordings of the
17 Grimes campaign people --

18 A. Correct.

19 Q. -- and obtained these statements that
20 PVA then incorporated into the video report that it
21 had published?

22 A. Correct.

23 Q. Did those journalists keep on working
24 the Grimes campaign afterwards?

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1 undercover journalism is always access. That's the
2 biggest challenge.

3 Q. What techniques does PVA and its
4 journalists use to obtain access?

5 A. Well, the most important one is
6 likability, being a nice person, talking to people,
7 looking them in the eye, being friendly, being
8 congenial. It's a lot of people skills. It's
9 essentially people skills.

10 For the most part, most of our
11 investigations, you know, we're trying to get
12 someone to tell us the truth. We don't want people
13 to lie to us. We want people to tell us what's
14 really going on. The process is to try to develop a
15 relationship, a bond, trust, mutual interest, mutual
16 concern, friendship maybe, at least on a superficial
17 level.

18 In the Democracy Partners case, one of
19 our journalists got an internship at Democracy
20 Partners headquarters in Washington, D.C., and was
21 there for quite some time going to work there on a
22 regular basis and became quite friendly with the
23 office staff and Robert Creamer, the man who was one
24 of the Democracy Partners and I think the founder of

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1 Democracy Partners.

2 Q. How did she swing that, the journalist?

3 A. It was a very -- that investigation was
4 a very complicated and tricky investigation. We
5 created a -- we had a -- it kind of -- there was
6 actually a lot of serendipity to it on one level in
7 that in the first instance of what we heard was a
8 meeting that a political operative had with one of
9 our journalists in Wisconsin. From that we were led
10 to Democracy Partners.

11 We then created -- because we knew this
12 was a political organization, this was a PVA
13 investigation, we knew these people were involved in
14 trying -- in the DNC campaign. We created for these
15 folks the image -- we created a donor. We suggested
16 that this donor wanted to donate to this effort.
17 The donor --

18 Q. Suggested to whom?

19 A. Suggested to our targets. In this case,
20 it was Scott Foval who was the democratic operative
21 who was based in Wisconsin. I can't remember the
22 organization off the top of my head. I'm sure you
23 have it there somewhere, and I'm sure Steve would
24 know it if I asked him.

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1 A. I do.

2 Q. Exhibit 33, where was that video taken?

3 A. It was in a bar, I believe. I don't
4 think it was in Madison. I think it was in -- I'm
5 not sure. It might have been in Madison, Wisconsin,
6 but it was somewhere in Wisconsin. I don't remember
7 the location.

8 Q. Is that a Brewers pendant in the ground?

9 A. I believe so.

10 Q. The encounter in Exhibit 33, was that
11 the first encounter between the journalist and
12 Mr. Foval?

13 A. Yes, I believe it was.

14 Q. And the journalist has a chat with
15 Mr. Foval at this bar?

16 A. Yes.

17 Q. Captures the video there?

18 A. Yes.

19 Q. What happened next? Where did that take
20 the investigation next?

21 A. So, interestingly, because you've chosen
22 that particular photo and that particular moment, so
23 I probably know your work is a little bit like me
24 saying, oh, Eric, I've read some of your decisions,

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1 you know, they're great, you're such a great lawyer,
2 even though I haven't. It's part of the techniques
3 that we use.

4 Scott Foval was boasting about his work
5 as a democratic operative in the campaign and
6 talking about this bird-dogging thing. Our
7 journalist said, oh, I probably know your work.

8 Q. And that comment was designed to build
9 trust with --

10 A. To build trust and boost his ego. Men
11 especially, much more so than woman, I think, men
12 love talking about themselves and love thinking
13 they're really smart and love thinking what they've
14 done is really important. If you can tell that to
15 men, then they tend to like you more and tend to
16 then tell you more.

17 Q. One way to do it is for journalists to
18 say, I probably know your work --

19 A. Right.

20 Q. -- even though the journalist may or may
21 not have actually known Mr. Foval's work?

22 A. Correct.

23 Q. So this interaction in Exhibit 33, the
24 reporter builds the relationship with Mr. Foval,

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1 kind of sets the hook so to speak?

2 A. This was a pretty easy fish to catch.
3 Foval was a very boastful, very kind of
4 self-important man who was involved in, we believe,
5 some pretty serious shenanigans on behalf of the
6 Democratic National Committee.

7 He was proud of the dirty tricks work,
8 to use a Nixonian phrase, that he was doing on
9 behalf of the DNC. He believed that the undercover
10 journalist that he was talking to was a sympathetic
11 listener; that he was also a pro-DNC person who
12 would be supportive of these kinds of actions.

13 Q. Is that the impression that the
14 journalist worked to give Mr. Foval?

15 A. Absolutely.

16 Q. So, by the way, what was the
17 journalist's cover at this time, at the time of the
18 interaction in Exhibit 33?

19 A. His cover was pretty loose at that
20 point. It kind of got more sophisticated. Once we
21 had the initial conversation with Foval and we
22 realized he had quite a lot to say and he was
23 connected by virtue of Democracy Partners all the
24 way to both the Obama White House and the Clinton

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1 journalist's name, although he probably does now
2 because they're suing us, ridiculously, not because
3 they say what we reported was wrong, but they're
4 suing us because what --

5 MR. KLEIN: Joe, just answer the
6 question.

7 A. I'm fascinated by this. We did not know
8 Foval's name, I don't believe, until the
9 conversation kind of evolved at the bar.

10 Q. Okay.

11 A. We meaning the undercover journalist.

12 Q. And so at the time of the conversation
13 in the bar, Exhibit 33, the journalist has this kind
14 of loose, vague cover. Does PVA develop a more
15 sophisticated cover after this conversation in the
16 bar?

17 A. Yeah, and that's -- that's typical for
18 us.

19 Q. Yeah.

20 A. If we kind -- you know, so many times we
21 don't know. We're journalists; right? So, we don't
22 know what we're going to find. We may have a tip.
23 We may have a suggestion from a friend or from a
24 source who says, hey, you should go investigate this

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1 corrupt politician in this state or you should take
2 a look at this company in this state or look at the
3 voter fraud issue in this place. Then when we get
4 there, if we find what we -- a lot of times we find
5 something entirely different. We respond to that.
6 We have to be flexible.

7 As a journalist you always have to
8 accept what you think may be the story may not be
9 the story, and you have to be open minded enough and
10 flexible enough to then adjust your approach in
11 order to get the story that you're being led toward.

12 Q. Let me push on that a little bit. When
13 PVA is doing an investigation, you know who the
14 target is; right?

15 A. Well, absolutely not. I just said in
16 this case, one of our biggest investigations that
17 we've ever done started with an encounter with
18 somebody who we didn't even know his name.

19 Q. Do you have at least an idea where
20 you're going to encounter that person?

21 A. I had no idea that when we sent an
22 undercover journalist to Wisconsin to kind of take a
23 look at what was going on with the primary that we
24 were going to expose the facts that the DNC and the

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1 Clinton campaign was sending people to Trump rallies
2 to incite violence.

3 Q. You can't say either then what your
4 journalist is going to wind up recording?

5 A. Correct.

6 Q. Take it as you find it?

7 A. Yes. I think like every journalist
8 throughout the history of journalism, we don't know
9 what the answer to the questions are going to be
10 until the questions are asked.

11 Now, we being undercover journalists, we
12 ask the questions without people knowing that we're
13 journalists, and I would suggest to you that that is
14 an incredibly powerful and successful way to elicit
15 the truth because we know very well that people
16 aren't always honest especially when they're in
17 front of a TV camera.

18 Q. So, in what eventually became the
19 Democracy Partners investigation, what happened
20 after this conversation in Exhibit 33?

21 A. So, that journalist called us. I don't
22 remember if he called me specifically or James
23 O'Keefe or what, but essentially he said, told us
24 that he thought he had something that was pretty

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1 years old, and as each day goes by, it's harder and
2 harder to remember names that I actually invented.
3 I came up with this man's name. Charles. Charles.
4 Oh, God, I can see him.

5 Q. We can go with Charles.

6 A. I got business cards for him. I
7 created -- I invented him out of thin air. It's
8 actually one of the fun parts of my job I would say.

9 Q. Sounds creative.

10 A. Yes, it is. It requires both a degree
11 of imagination, but also it's got to be pointed. It
12 has to be credible. It has to work.

13 Q. Let me ask, why did PVA choose to create
14 this donor?

15 A. Because we know, like most people who
16 know anything about American politics, that American
17 politics is driven by money. Money is the engine
18 that drives the political process in this country
19 for good or for evil. I actually think it's
20 probably for evil, but that's neither here nor
21 there.

22 We knew that if we dangled the carrot of
23 a donation to this political organization they would
24 be very nice to us. We knew based on, you know, our

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1 experience that -- for example, one of the people
2 who works for our organization is a man named Russ
3 Verney. Russ Verney is a sophisticated political
4 operative and has a great and strong history and
5 knowledge of the American political system. He
6 knows how it works. He's an integral member of our
7 leadership team. He was one of the people who said,
8 yeah, offer them some money.

9 Q. Creating a donor, first of all, it was
10 part of creating this more complex sophisticated
11 cover that you mentioned earlier, fair to say?

12 A. Yeah, it was important for us. We felt
13 that in order for us to be able to report the story
14 accurately and with a degree of confidence that I
15 like to have, the standard that I like to bring to
16 our journalism, I wanted confirmation of what Foval
17 said from numerous sources. I wanted to be able to
18 on videotape, on audiotape, make the connection
19 between Democracy Partners and Robert Creamer back
20 to Scott Foval and forward to the Democratic
21 National Committee and the Hillary Clinton campaign.

22 Q. And creating the donor gave you
23 additional access to do that?

24 A. Yes, we created the donor because we

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1 believed that by creating the donor we could get a
2 meeting with Mr. Creamer.

3 Q. Did that come to pass?

4 A. Yes, we had several meetings with
5 Mr. Creamer.

6 Q. How was the first meeting between the
7 donor and Mr. Creamer set up?

8 A. I was actually there. It was in
9 Washington, D.C., at a hotel lobby. I want to say
10 it was the Marriott Marquee. I'm not 100 percent
11 sure which hotel it was. It was in Washington,
12 D.C., which is a one-party consent area, unlike the
13 Commonwealth of Massachusetts.

14 We had the meeting in a hotel lobby.
15 Our undercover journalist was this Charles. And the
16 meeting took place. I was sitting across the way.
17 I will go to some of these kinds of events because,
18 A, I think our -- our journalists are not typically
19 terribly experienced journalists.

20 I have a lot of experience in
21 journalism. Oftentimes if I don't accompany them, I
22 will oftentimes have a conversation with them right
23 prior to a meeting where I will talk about what I
24 believe we're trying -- the information that the

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1 story -- what the story is.

2 I think that, as I said to you earlier,
3 I think that's one of my primarily responsibilities
4 is to help the organization determine and pursue a
5 story that is of journalistic value.

6 Q. The PVA journalist who played the role
7 of the donor, Charles, I'm assuming that's a
8 different journalist than the one who encountered
9 Mr. Foval at the bar at the hotel; right?

10 A. Correct, different journalist.

11 Q. You had one of those pre-meeting
12 briefings with the Charles journalist before he met
13 with Mr. Creamer?

14 A. Absolutely.

15 Q. You were across the room while that
16 meeting took place?

17 A. Correct.

18 Q. Did Mr. Creamer know you were there?

19 A. He didn't know. He didn't know I was
20 connected to the person he was talking to.

21 Q. Question is, were you monitoring the
22 conversation between the Charles journalist and
23 Mr. Creamer?

24 A. Of course.

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1 with Foval, third meeting with Foval, third meeting
2 with Creamer, as I recall.

3 Q. If we look at Exhibit 32 that we marked
4 a short time ago --

5 A. Mm-hmm.

6 Q. -- that's the third meeting with Foval
7 we're looking at there?

8 A. Correct.

9 MR. HASKELL: Let's mark this,
10 please.

11 (Marked Exhibit 35, Screen Shot)

12 BY MR. HASKELL:

13 Q. So, Exhibit 35 we just marked here,
14 which meeting is that? Actually, I'm sorry, let me
15 first withdraw that last question and first ask, do
16 you recognize Exhibit 35 as a still from the
17 Democracy Partners video report that PVA published?

18 A. Absolutely.

19 Q. Which meeting are we looking at in
20 Exhibit 35?

21 A. This is the first meeting with Robert
22 Creamer.

23 Q. That's the one in the Marriott lobby in
24 D.C.?

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1 A. Don't hold me to that. I think it was
2 the Marriott. I travel a lot, and I stay in a lot
3 of hotel, and I have some for forty some years.
4 They all kind of blend into each other. I believe
5 it was a Marriott Hotel in Washington, D.C. It was
6 a really nice hotel. This is the first meeting with
7 our undercover journalist and Mr. Robert Creamer in
8 the lobby of that hotel.

9 Q. Now, you had mentioned earlier that one
10 of your undercover journalists eventually got an
11 internship. Was it with Mr. Creamer's outfit here?

12 A. Yes.

13 Q. How did that come to happen?

14 A. This was brilliant if I may say so
15 myself. It may have been James O'Keefe's idea.
16 I'll give James O'Keefe the credit. Once we
17 developed the cover of the donor, they were so
18 solicitous to us, they just fell in love with us.
19 They thought we were the best thing in the world.
20 We were going to give them some money, and they were
21 really happy about that.

22 We decided, let's leverage this a little
23 bit. Let's push it. In undercover journalism
24 generally you try push the envelope, try to ask for

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1 a little bit more and get a little bit more. We
2 suggested that our donor, we had him tell Creamer
3 that he had a niece who was really interested in
4 politics and was really interested in getting
5 involved in the campaign. Mr. Creamer said, well,
6 that's great. We got people all over the place. We
7 ended up sending our undercover journalist, a young
8 woman journalist to Cleveland for the Republican
9 primary. I think it was in Cleveland that year. It
10 was Cleveland; right? Mm-hmm.

11 Bob Creamer connected our journalist's
12 niece -- niece, I put that in quotes because she
13 wasn't actually his niece and he wasn't a donor, but
14 that was the cover story that he had a niece who was
15 interested in politics. Mr. Creamer was able to
16 connect our undercover journalist who was posing as
17 the donor's niece to work for some people in
18 Cleveland during the -- and there was a woman by the
19 name of Zulema Rodriguez, I believe, who was part of
20 that. Creamer connected our niece undercover
21 journalist to Zulema Rodriguez. Our undercover
22 journalist did some work at the campaign building a
23 fake brick wall to protest the Trump wall and some
24 little things at the Republican primary.

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1 During that part of the investigation,
2 Ms. Rodriguez confirmed many of the initial
3 statements that we had heard from Mr. Foval about
4 the, quote-unquote, bird-dogging and otherwise
5 staging of protests and demonstrations at Trump
6 events.

7 In fact, she talked about a Chicago
8 demonstration that turned quite violent during that
9 campaign year, and actually the law enforcement
10 authority closed down that event because it got too
11 violent in the streets.

12 Ms. Rodriguez said that she attended
13 that meeting and went there as a paid member of that
14 organization, which again we were led to believe due
15 to the public narrative that these protests were
16 spontaneous but, in fact, we kept finding evidence
17 and information that that was not so.

18 She also told us that she had done an
19 event in Arizona where they had partially blocked
20 the highway between Phoenix and Flagstaff, which is
21 a major interstate running north-south in Arizona.

22 MR. HASKELL: Let's mark this now.

23 (Marked Exhibit 36, Screen Shot)

24 BY MR. HASKELL:

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1 Q. Exhibit 36, do you recognize that as a
2 still from the video report on Democracy Partners
3 that PVA published?

4 A. Absolutely.

5 Q. And this was the Zulema Rodriguez you
6 were describing?

7 A. Absolutely.

8 Q. PVA's undercover journalist who was
9 posing as Charles's niece went out to Cleveland to
10 meet and work with Zulema Rodriguez?

11 A. That is correct.

12 Q. And let me ask, that undercover
13 journalist, is that the same woman who was at the
14 table for the second meeting with Mr. Foval in
15 Exhibit 34?

16 A. No, it was a different journalist.

17 Q. So, we're up to at least four
18 journalists at this point; the initial contact with
19 Mr. Foval, the woman who was at the second meeting
20 with Mr. Foval, the donor -- journalist who posed as
21 the donor, and the journalist who posed as the
22 niece?

23 A. And myself who had a phone conversation
24 with Mr. Foval. So, I would say five. I like to

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1 consider myself a journalist.

2 Q. You got it. Okay. So, Exhibit 36,
3 where was this film taken?

4 A. That was somewhere in Cleveland.
5 Cleveland. They had an office space near the
6 convention center where they did their sign painting
7 and banners and sort of a workspace that they had
8 rented near the convention center.

9 Q. And the PVA journalist posing as the
10 niece, did she tell Ms. Rodriguez something to the
11 effect of I'm here to work with you for the time?

12 A. Yeah, as I recall, Robert Creamer
13 actually contacted Ms. Rodriguez and told
14 Ms. Rodriguez that our undercover journalist would
15 be coming to Cleveland and should be -- basically
16 vouched for our undercover journalist.

17 Again, in our line of work in
18 investigative journalism, having somebody like
19 Creamer vouch for our journalist to Zulema Rodriguez
20 is huge because it gives instant credibility to that
21 person. There's not the necessity to create an
22 elaborate legend as you initially used that term.

23 Q. Okay. So, after the journalist posing
24 as the niece went to Cleveland and had these

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1 encounters with Ms. Rodriguez, what was the next
2 thing that happened in the -- let me ask this. This
3 was the next thing that happened in the course that
4 led the niece to get the internship?

5 A. Mm-hmm. Basically, as I recall, we then
6 through the donor, the undercover journalist posing
7 as the donor, we wanted to get more information
8 about -- specifically, I was really interested in
9 the connection between Democracy Partners and the
10 Democratic National Committee. I felt that if we
11 didn't solidify a true connection between those
12 organizations that our story really wasn't as
13 bulletproof as I wanted it to be. James felt the
14 same way.

15 The idea was if we could have more
16 conversations with Mr. Creamer, we would learn more
17 information. Our general belief and philosophy, if
18 you will, is that the more information we have the
19 better off we are. The more solid our story is the
20 more reliable and comfortable I will be in the
21 production of and release of the story.

22 We came up with basically the ploy, if
23 you will, the donor said to Mr. Creamer, well, my
24 niece isn't in school this summer, and she would

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1 love to do something in Washington to help the
2 campaign. Is there anything that you can suggest.

3 I believe -- I'm not 100 percent sure,
4 but I'm pretty certain that Mr. Creamer suggested
5 that this niece, the undercover journalist, could
6 come to Washington, D.C., and be an intern at
7 Democracy Partners.

8 Q. The journalist posing as Charles, the
9 donor, was that his intention when he asked
10 Mr. Creamer for opportunities for the niece was the
11 hope that Mr. Creamer would offer her an opportunity
12 at Democracy Partners?

13 A. I don't think we -- I don't think we had
14 it all figured out. You know, so much of this and
15 so much of journalism is one thing leads to another.
16 I don't think we ever have some grand master plan.
17 I'm a chess player, and sometimes I can get about
18 five or six moves ahead. I'm never that in
19 journalism.

20 A lot of what we do is based on what
21 with learn. We respond to what we learn and then we
22 develop our next move based on the knowledge that
23 we've accrued.

24 Q. So, Mr. Creamer did offer the, quote,

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1 yeah, come on in.

2 Q. And you spoke earlier about PVA creating
3 this donor, Charles. When you say create the donor,
4 what did PVA do to create the donor?

5 A. So, I thought of a name. I talked to
6 the undercover journalist who was the person who met
7 with Foval. We between us sort of created this
8 story of this person. I got some business cards
9 made. I got an e-mail. I set up an e-mail account.
10 What else did I do? I think that's about all I did.

11 Again, in this particular case, we
12 didn't feel like they were going to get seriously
13 vetted. In some investigations we do legend
14 building because we believe or our concern is that
15 we're going to be vetted reasonably, you know, by
16 open source information.

17 So, we'll create a Facebook page, a
18 LinkedIn page. We've even gone so far in the past
19 of creating LLCs, offshore bank accounts. We do a
20 lot of things because undercover journalism is a
21 tricky, complicated business.

22 Q. All of those things fall into the
23 category of legend building you just mentioned?

24 A. Yeah, I guess, yes.

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1 Q. The e-mail account that you created for
2 this donor, Charles, was that e-mail account used as
3 part of the investigation?

4 A. Absolutely.

5 Q. And the business cards, were they used
6 as part of the investigation?

7 A. Absolutely.

8 Q. The journalist posing as Charles gave
9 out the business cards to who, Creamer?

10 A. Creamer. I think I had five hundred
11 printed. I think we gave out one.

12 MR. HASKELL: Let's go off the
13 record.

14 (Whereupon, a recess was taken)

15 BY MR. HASKELL:

16 Q. So, we left off, I think, speaking about
17 the niece getting an internship with Democracy
18 Partners. So, do you remember when she started to
19 work there?

20 A. It was sometime in the summer of '17. I
21 don't remember exact date. She wasn't there that
22 long because it was after the convention and then we
23 pulled the plug in October. I would have guessed
24 she started time in early August or September, but

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1 I'm not exactly sure. That's what I would -- as I
2 recollect, it was sometime around that time frame.

3 Q. So would have stayed there for a month
4 or so?

5 A. More or less. I don't remember the
6 exact dates.

7 Q. And her role as an intern at Democracy
8 Partners, how many days a week was she there?

9 A. Well, we started off, we thought we
10 wanted her to be there a lot. Then we had a funny
11 thing happen. She was very successful. At one
12 point she called me on the phone and said, Creamer
13 wants to take me to the White House, and I said --

14 Now, imagine we're Project Veritas.
15 We're doing an undercover investigation. The target
16 of our investigation who we are trying to link to
17 the White House invites our undercover journalist to
18 go to the White House.

19 I said, You can't go to the White House.
20 And she said, I know, there's no way; right? I
21 said, No, you are not who you say you are. You
22 don't have ID. You can't lie to the Secret Service.
23 You can't go anywhere near the White House.

24 It was one of the most bizarre problems

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1 Q. What kind of work did Democracy Partners
2 have the undercover journalist doing for them?

3 A. It was a lot of different things. A lot
4 of it was typical internship stuff where she wasn't
5 doing that much, answering the phones and doing sort
6 of menial tasks around the office.

7 They took her around. They wanted to
8 take her to the White House. They took her to the
9 DNC headquarters. We met a woman named Janet Price
10 from DNC who gave us some information. You might
11 have a picture in there.

12 What was really remarkable about that
13 whole thing was the complete unfettered access they
14 gave her to what they were doing; their personnel,
15 their activities, their conversations with the DNC,
16 their conversations through the DNC and to the
17 Clinton campaign, their conversations with the White
18 House.

19 Again, these people were quite boastful,
20 and I think they were proud of their work. That's
21 fine. But they certainly did not think that they
22 were talking to an undercover journalist. So, they
23 told her things that, you know, I'm sure they
24 wouldn't have told people if -- they wouldn't have

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1 told that to a reporter who asked them the question.

2 Q. Sure. Now, the undercover reporter,
3 when she was doing this internship, did she have a
4 secret camera rolling the whole time that she was
5 there every day?

6 A. Interestingly, the first day -- because
7 I've actually looked at this particular tape
8 relatively recently because of something else that
9 we're doing. She was in the office for
10 approximately eight hours, and for that eight hours
11 she had her camera rolling the entire time, never
12 turned it off even when she went to the bathroom.

13 Part of what, you know, we don't tell
14 our journalists necessarily to do that because we
15 believe people should have privacy in those
16 situations, obviously. But she is, as I say, a very
17 talented and hard working journalist, and she
18 understood that every minute in that place had the
19 potential to help us with the journalism in that
20 story.

21 Q. When you said a moment ago you believe
22 people have privacy in those kinds of situations,
23 you mean when they're using the bathroom?

24 A. When they're going to the bathroom. I

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1 believe undercover reporting should be strictly
2 forbidden in private situations, especially
3 bathrooms. I think that's throughout the world.
4 That should be an absolute line that should not be
5 crossed.

6 Q. Fair enough. So, she had the camera
7 going the full eight hours the first day she was
8 there. Did that change as the summer went on?

9 A. These cameras are tricky pieces of
10 technology that don't always work as well as we
11 would like them to. This undercover journalist,
12 undercover reporter, is a conscientious and capable
13 person. I think for the most part when she was in
14 that building she was rolling an undercover camera
15 and audio.

16 Q. What kind of information did she have
17 access to at the internship?

18 A. The biggest thing was conversations with
19 Robert Creamer about their activities. That without
20 doubt was for us the most interesting. I mean,
21 there were other things. They spoke to a man by the
22 name of Aaron Black. That is not his real name, we
23 don't believe, which is strange that they would hire
24 a guy they knew was not his real name.

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1 it showed the connection between the original
2 conversation that we had with Scott Foval in that
3 bar in Milwaukee all the way to Hillary Clinton
4 herself, which I thought was fascinating.

5 MR. HASKELL: Let's mark a couple
6 of exhibits here.

7 (Marked Exhibits 37 & 38, Screen
8 Shots)

9 BY MR. HASKELL:

10 Q. Exhibit 37 that we've just marked, do
11 you recognize that as a still from the Democracy
12 Partners video report that PVA published?

13 A. Absolutely.

14 Q. And where was Exhibit 37 taken?

15 A. That was in Bob Creamer's office, Robert
16 Creamer's office, at the Democracy Partners office
17 in Washington, D.C.

18 Q. In his personal office?

19 A. His designated office in the Democracy
20 Partners office space.

21 Q. Thank you. That's a better way to put
22 it. So, this was captured by the undercover
23 journalist in her role as intern for Democracy
24 Partners having a conversation with Bob Creamer in

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1 his office?

2 A. Correct.

3 Q. Exhibit 38, where was that taken?

4 A. That was in one of the common areas of
5 the Democracy Partners office in Washington, D.C.

6 Q. Do you recognize Exhibit 37 as a still
7 from the published report that PVA put out on
8 Democracy Partners?

9 A. Absolutely.

10 Q. So, similar situation with Exhibit 38,
11 the intern or, excuse me, the undercover journalist
12 posing as the intern had a conversation with Bob
13 Creamer in this common area of the Democracy
14 Partners office and filmed it?

15 A. Correct.

16 Q. How often did the journalist posing as
17 the intern send back raw video for you to review?

18 A. Not every day, but certainly on a very
19 regular basis. The process of transmitting the
20 video remotely back to the headquarters is a
21 complicated and tricky process, and it requires
22 having real good Internet service.

23 This was also hours and hours and hours
24 of videotape, which those files are really large

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1 to find out about it and to see it.

2 What happened in the case of Democracy
3 Partners, almost immediately after the release of
4 our story, Scott Foval was fired and Bob Creamer
5 resigned from the campaign. A lot of what PVA and
6 PV does is because we have impact.

7 In this case, these two man left the
8 campaign. One was fired and one resigned from being
9 involved in the campaign. That itself became the
10 story. The story wasn't that we had these tapes.
11 The story was these guys were fired and resigned
12 because we had the tapes and that became
13 justification for a lot of mainstream media to
14 report the story. These were principals in the
15 campaign. They lost their jobs. Why did they lose
16 their jobs. Oh, because of the tapes that were
17 released.

18 Q. The undercover journalist who was posing
19 as an intern with Democracy Partners, what kind of
20 camera did she use while she was there day in and
21 day out?

22 A. Various. We have all the kinds of
23 tricks and tools. We've got necktie cameras, button
24 cameras, purse cameras. We've got eyeglass cameras.

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1 You wouldn't -- you would be amazed at the
2 technology that we've acquired in order to do the
3 important work that we do.

4 Q. Like James Bond stuff.

5 A. You know, we take what we do very
6 seriously. Some of the investigations we do are
7 potentially quite risky, physically risky to our
8 undercover journalists. We want as sophisticated
9 equipment as we could possibly get that would be the
10 least likely to be discovered and the least likely
11 to put our journalists in any kind of risk.

12 Q. How did the, quote, "niece" wrap up her
13 time at Democracy Partners? She give two weeks'
14 notice or something?

15 A. We actually had one, two, three -- I
16 think we had -- so, we actually -- I don't know if
17 you remember in the story, but I'm sure you do --
18 you're a smart guy and you looked at all the tapes.

19 We not only had a donor but we had an
20 undercover journalist, who was the donor's money
21 man, who was actually going to hand -- be the person
22 who wired the money to Americans United for Change.
23 He was an undercover journalist who is actually an
24 Englishman by birth.

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1 put all the pieces together yet. It was kind of
2 amazing actually.

3 Q. So, what you took from that is the niece
4 cover had been blown --

5 A. Had been blown.

6 Q. -- but not Charles Roth's?

7 A. Which means had they hadn't put two and
8 two together. If the, quote-unquote, "niece" wasn't
9 real, then that sort of puts in doubt the uncle,
10 doesn't it? Took them a while. They know now.

11 Q. I think you mentioned before the break
12 earlier this morning that PVA made a donation. Was
13 that part of this investigation?

14 A. Yeah, yeah.

15 Q. Who was that donation made to?

16 A. It was made to Americans United for
17 Change.

18 Q. Who made the donation?

19 A. The donation actually came from an
20 offshore company. I believe it was a company in
21 Belize. I think it was one of our Belize offshore
22 companies.

23 Q. Do you know the name of that company?

24 A. I did. If you are asking me if I

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1 remember it right now, I can't. I made up most of
2 the names myself. Mr. Verney and I came up with the
3 names. Repulse Bay was one of them. It may have
4 been Repulse Bay. I don't remember. It could have
5 been. We had a bunch of them at the time. That was
6 because we were -- we believed that if we actually
7 made a donation that it would enhance our
8 credibility even greater. We went to our attorneys
9 and we said, how do we do this so we don't break any
10 laws.

11 Q. Best not to testify about --

12 A. I'm sorry, I found out that -- I learned
13 how we could do that without violating any laws.
14 Mr. Verney and I worked on that process. We came up
15 with a mechanism and a process that we knew was --
16 that we knew was legal.

17 So, we ended up wiring from this
18 offshore bank \$25,000 to a bank account that Creamer
19 gave us the information about, but it was actually
20 an Americans United for Change bank account, and I
21 believe it was in New York, and we made the wire
22 transfer to that bank account.

23 Q. So, even though the donation was coming
24 from this company in Belize, the money was

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1 controlled and directed by folks at PVA?

2 A. Correct.

3 Q. And had PVA created this company in
4 Belize?

5 A. Yes.

6 Q. And registered it, whatever the process
7 is?

8 A. There's a business in this, believe it
9 or not. I didn't know this beforehand. People set
10 up these companies, and you can buy them.

11 Q. I see.

12 A. And they're not that expensive. If
13 you'd like to buy one, I can help you out there. I
14 know people who do this.

15 Q. So, it's a legitimate Belizean entity,
16 but it's one for at least the purposes of this
17 donation its operations were controlled by you and
18 Mr. Verney and other folks at PVA?

19 A. Correct.

20 Q. Okay. I think that covers us on
21 Democracy Partners. Let's move on to the next
22 investigation I want to ask you about, investigation
23 involving the Clinton campaign in Nevada.

24 A. Mm-hmm.

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1 Q. Going into the jump drive and going to a
2 folder, 30(b)(6) video and sub-folder RDP15, I'm
3 going to open a file titled 15-P27, Rigging The
4 Election. It's an MP4 file. Open the right
5 program. You can see now that video file playing on
6 the screen here?

7 A. Yes, I can.

8 Q. I've paused that video file about
9 eighteen seconds in. Do you recognize what we're
10 looking at here?

11 A. I do.

12 Q. What is it?

13 A. It is the release that I produced and
14 Project Veritas Action produced in the Democracy
15 Partners investigation that we called Rigging The
16 Election.

17 Q. And that's the same video release that
18 we've seen stills of in Exhibits 32 to 38?

19 A. Exactly.

20 Q. Going back to the jump drive and in that
21 same subfile, 30(b)(6) videos, RDP15, I'm going to
22 open a file, an MP4 file entitled 15-P25 Clinton
23 Campaign. Do you see me doing that here?

24 A. Indeed, I do.

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1 Q. Do you see this video playing up on the
2 screen here?

3 A. I do.

4 Q. I've paused it about ten seconds in. Do
5 you recognize this video?

6 A. Yes, I do.

7 Q. What is it?

8 A. This is a recording that we made inside,
9 I believe, the Hillary for President campaign office
10 in Las Vegas, Nevada, and that figure on the
11 right-hand side of the screen is John Podesta, who
12 was the chairman of the campaign for Hillary Clinton
13 for President. Robby Mook was the campaign manager,
14 but I believe the title that Podesta held was
15 chairman of the campaign. He was giving a peptalk
16 to the workers at the campaign office in Nevada.

17 Q. Was a PVA undercover journalist present
18 live for this is peptalk by Mr. Podesta?

19 A. That's how we were able to make this
20 recording because our journalist was in the room and
21 was participating in this event.

22 Q. Okay. And let me ask just before we
23 move on, the MP4 file that I began to play here, do
24 you recognize that file that we're now playing?

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1 A. Yes.

2 Q. What is it?

3 A. It's one of our PVA releases that we
4 released during that campaign cycle.

5 Q. Is it fair to characterize this one as
6 relating to the Clinton campaign in Nevada?

7 A. That would be a correct
8 characterization.

9 Q. Let's talk about how the PVA undercover
10 journalist got to be in the Clinton campaign office
11 in Nevada. How did that happen?

12 A. I think we literally walked in the door
13 and said, Can we help. Campaigns do not tend, and I
14 understand why, to be high-security, high-vetting
15 organizations for people who want to contribute time
16 and effort to the campaigns.

17 In this particular case, as I recall, we
18 volunteered to work for the campaign, and we did.
19 We did phone banking. We did GOTV stuff. The
20 parties that we investigate, we actually help a
21 great deal as well. I don't think they appreciate
22 that as much as they should, but it's true.

23 Q. Who was "we" who got involved?

24 A. I tend to think of every investigation

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1 being we. This is such a team process. We don't
2 have -- I have lot of friends in the journalism
3 business. I have a good friend who works for the
4 New Yorker. He goes out and he doesn't go into the
5 office and works on a story for two or three months
6 and hands a Word document into the office, and they
7 edit it and print it.

8 We're an organization where we're
9 extremely collaborative. People are conversing and
10 talking about what we do constantly. We have to
11 figure out what the next move is. We're very
12 reactive to information inputs and then we base our
13 next move on the latest information that we have.

14 In this case the journalist that was in
15 this particular investigation -- and there were a
16 number of journalists who were involved in our
17 Nevada investigation. This particular journalist
18 who was at this particular event was somebody I
19 think I talked to the day of certainly after this
20 event because I remember the journalist calling me
21 after and saying, You won't believe who was here
22 today. I said, I don't know who, John Podesta? How
23 did you know? Because I read it on the wires.

24 We're constantly -- James O'Keefe is

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1 integrally involved in the decisions. Russ Verney
2 in those years, he was still living in New York. He
3 was integrally involved. I say "we" because that's
4 how I see what we do. We don't do things alone. We
5 do things as an organization and as a team.

6 Q. Let me skip ahead to a different segment
7 of the 15-P25 video that we have on the screen here.
8 I'm going to start playing at time stamp 4:15 and
9 play for just a -- excuse me. I'm going to start at
10 4:23.

11 (Video played)

12 BY MR. HASKELL:

13 Q. So, that segment that we just listened
14 to, I've paused it at time stamp 5:13. What are we
15 watching here?

16 A. We're watching the undercover journalist
17 describe what she says occurred at, I believe it was
18 a polling place in Nevada.

19 Q. Where is she when she's describing that?

20 A. She's back at the Hillary for America
21 office in Las Vegas, Nevada, talking to that
22 campaign worker who worked for the Hillary for
23 President in Las Vegas, Nevada.

24 Q. Do you know who was present in the

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1 A. Yes.

2 Q. Does that shed any light on what the
3 undercover journalist was doing?

4 A. I think we were working for the
5 campaign.

6 Q. To work on voter registration?

7 A. Correct.

8 Q. Okay. The activity that we see in
9 Exhibit 41, did that occur before or after the
10 meeting at the campaign office that's depicted in
11 Exhibit 40?

12 A. I believe it was before.

13 Q. Same day?

14 A. I don't recall. No, I don't think so.
15 I don't think it was the same day.

16 Q. Okay.

17 A. I don't think so.

18 Q. Going back up to the computer screen and
19 clicking on the jump drive that we marked as
20 Exhibit 39, I'm going to go into a different folder
21 titled Jump Drive Raw Videos.

22 A. Okay.

23 Q. I've gone into a sub-folder titled
24 RDP16-2 and another sub-folder titled "A," and I'm

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1 going to open the one MP4 file we see there whose
2 title end '1746.MP4.

3 (Video played)

4 BY MR. HASKELL:

5 Q. Do you see that film being played?

6 A. Yes.

7 Q. Do you recognize that video?

8 A. Yes.

9 Q. What is it?

10 A. Undercover recording inside Hillary
11 Clinton campaign office in Las Vegas, Nevada.

12 Q. Is this the raw video that underlies a
13 portion of the published video report that we viewed
14 a moment ago?

15 A. I believe so.

16 Q. Specifically, is what we're looking at
17 on the screen the video underlying the scene we see
18 in Exhibit 40?

19 A. I believe so.

20 Q. I'm going play this through time stamp
21 2:00.

22 (Video played)

23 BY MR. HASKELL:

24 Q. So, I've paused the raw video at time

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1 stamp 2:00. Did you get a chance to see and hear
2 that as we were playing it?

3 A. Yes, I saw and heard it, sorry.

4 Q. Thank you. Fair to say that that
5 portion of the raw video depicted what appears to be
6 a staff meeting at the Clinton campaign
7 headquarters --

8 A. Correct.

9 Q. -- where they're discussing things like
10 scheduling and how this is a major week and other
11 similar things?

12 A. Correct.

13 Q. The undercover journalist is the louder
14 female voice that we heard; right?

15 A. I believe so, yes.

16 Q. She appeared to be actively
17 participating in that conversation?

18 A. Correct.

19 Q. In fact, at one point she made a comment
20 about what she could do so she could be as effective
21 as possible before she leaves. Did you catch that?

22 A. Yes, I did.

23 Q. I'll move over to a different
24 investigation now and ask to speak about

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1 (Video played)

2 BY MR. HASKELL:

3 Q. So, the Canadian woman suggests can the
4 PV journalist make the purchase. The campaign staff
5 says she could make a donation. Is that right?

6 A. Correct.

7 Q. The Canadian woman says again, "Can you
8 buy it for me," and the PV journalist then says,
9 "Sure, I'll buy it."

10 A. Correct.

11 (Marked Exhibit 43, Screen Shot)

12 BY MR. HASKELL:

13 Q. So, Exhibit 43, do you recognize that as
14 a screen shot from this video report that
15 corresponds to what we had up on the screen a moment
16 ago?

17 A. Yes, I do.

18 Q. I'm going to continue playing.

19 (Video played)

20 BY MR. HASKELL:

21 Q. So, I've paused it at time stamp 3:50.
22 The segment that we just listened to, the narrator
23 states that the Clinton campaign staff broke federal
24 election law by what we had seen happen earlier?

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1 A. Our conclusion was that in fact based on
2 what we have on videotape, we believe that they
3 violated federal election law.

4 Q. I'm going to keep playing couple more
5 seconds to time stamp 3:57.

6 (Video played)

7 (Marked Exhibit 44, Screen Shot)

8 BY MR. HASKELL:

9 Q. Do you recognize Exhibit 44?

10 A. Indeed I do.

11 Q. What is it?

12 A. It is a screen grab from the video we've
13 been watching that is about the Canadian woman via
14 our journalist purchasing campaign memorabilia which
15 is a campaign contribution to the Hillary campaign
16 which we believe is against federal election law.

17 Q. Exhibit 44 corresponds to what we're
18 seeing on the screen in the conference room right
19 now?

20 A. Yes, it did.

21 Q. In the screen grab the PV journalist
22 saying, "yeah, it worked out because you're Canadian
23 and I'm American, and I did it for you"?

24 A. Correct.

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1 improprieties by the Clinton campaign, who would
2 know about how that turned out?

3 A. I believe Mr. Verney would know.

4 Q. Anybody else?

5 A. It's Mr. Verney's responsibility to know
6 those things. It's not my responsibility per se to
7 know those things. I know them sometimes because I
8 try to keep informed in all and everything that's
9 going on in the organization. But past things like
10 that, unless it's going to be another story for us
11 that we're going to report on and do a release on, I
12 don't worry about a great deal. I have a lot of
13 other things that I worry about.

14 Q. Okay. I'm going to go back into the
15 jump drive, Exhibit 39, go into the folder titled
16 Raw Videos and go into the sub-folder titled
17 RDP16-1. What we have here is three separate MP4
18 files. First one has titled ending '5504, second
19 one is title ending '5536, and the third one has a
20 title ending '5606. I'm going to play all three of
21 them in that order.

22 (Videos played)

23 BY MR. HASKELL:

24 Q. Do you recognize those three videos I

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1 just played?

2 A. I do indeed.

3 Q. What are they?

4 A. They are further conversation with our
5 PV journalist with the campaign workers at the
6 Hillary for President event at Roosevelt Island on
7 June 2015.

8 Q. You were able to hear and see those okay
9 when I played them?

10 A. I was.

11 Q. Are those raw video of at least a
12 portion of the conversation that appeared in
13 Exhibit 44?

14 A. That would be fair to say.

15 Q. Okay. And the three segments that I
16 just played also fair to say they're consecutive to
17 one another, one runs right into the next to the
18 next?

19 A. I believe so.

20 Q. Okay.

21 A. As I said earlier, now that you play it,
22 I think this is why we were concerned that we may
23 have violated the law.

24 Q. What did we see in --

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1 A. We have the journalist who is giving a
2 name and she mistakenly, erroneously, and wrongly
3 gave an incorrect name to the campaign worker. She
4 said she was a student, and she actually was a
5 student as well as an employee of ours.
6 Irrespective of that, she gave an incorrect name.

7 Q. When you say incorrect name, what do you
8 mean?

9 A. It was her cover name. It was not her
10 actual legal name.

11 Q. And the address that she gave to the
12 campaign staff when they asked for it, it's an
13 address in Tucson, Arizona. Did the undercover
14 journalist live in Tucson at the time?

15 A. I think her father did. She's from
16 Arizona. Again, my point was that I remember when
17 we saw this, I saw this and I remember thinking, you
18 know, we have an issue here that we need to concern
19 ourselves with because we may have broken the law,
20 and we don't like to do that.

21 I think the journalist made an error in
22 judgment there that was unfortunate, and that's why
23 we wanted to report it to the FEC. It was one of
24 the reasons we went to the FEC. We believed that

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1 the Clinton campaign violated the law, but we
2 believe our journalist unfortunately did, in fact,
3 give false information to a campaign worker, which
4 we believe is perhaps a violation of federal
5 campaign law.

6 Q. The three clips of raw video that we
7 looked at, when did you first see those?

8 A. I probably saw them that day or the next
9 day. That was a New York event. I'm pretty sure.
10 I know I was in the office that week. I remember
11 getting a phone call from our undercover journalist
12 about that event. So, I probably -- I probably saw
13 it that night. When we have a story that we think
14 is a story, we tend to jump on it pretty quickly.

15 Q. But in any event, you would have seen
16 those raw videos before the video report was
17 assembled and published, yes?

18 A. I have to. I have to look at the raw
19 video. I can't look at the finished product before
20 the raw product. I'm the cook. It would be like
21 seeing the pancakes before you saw the eggs. Can't
22 do that in my world. You gotta see the eggs, you
23 gotta break them and mix them and add flour and make
24 pancakes. That's what I do. I break eggs.

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1 Q. I think you testified a moment ago that
2 the undercover journalist in this scene was employed
3 as an undercover journalist by PVA. Did she keep
4 her office in Mamaroneck with you?

5 A. Our undercover journalists don't have
6 offices per se. I think this particular undercover
7 journalist at the time was living in the New York
8 area. She would often come to the office. She may
9 have even had a desk designated to her, but I don't
10 recall that.

11 Our journalists typically are sort of
12 vagabonds. They're on the road a great deal. Our
13 office is not real big. We don't have -- like this
14 attorney general's office, we don't have a whole
15 floor of a building. We have a humble office. We
16 don't have offices for all of our journalists. I'm
17 the executive producer, and I share an office. The
18 fact of the matter is I don't believe she had an
19 office, but, yes, she did work out of the office in
20 Mamaroneck.

21 Q. You knew this woman, the undercover --

22 A. I know all the undercover journalists.

23 Q. You knew her name?

24 A. Absolutely.

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1 Q. Her name wasn't Laura Baker, which is
2 the name that she gave to the campaign staff in this
3 video we just watched?

4 A. Correct, which is why I said to you, I
5 was concerned when I heard that she had violated the
6 law and that's why we wanted to report it because we
7 were concerned that we had misspoken.

8 Q. In terms of both the cover name and not
9 stating in response to the campaign staffer's
10 question that she was employed by PVA?

11 A. Correct.

12 MR. HASKELL: Can we go off the
13 record for a moment.

14 (Discussion held off the record)

15 BY MR. HASKELL:

16 Q. Can I ask you to reach into the stack of
17 previously marked exhibits and pull out seven,
18 eight, and nine?

19 A. I totally messed this up. There's nine.
20 There's eight. There's seven. I don't even see
21 this one. Yes, I have seven, eight, and nine. I am
22 looking at them.

23 Q. Exhibit 7, do you recognize that?

24 A. I do, in fact.

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1 bad things.

2 Q. So, undercover PV journalists went to
3 the Bernie Sanders campaign, offered their services
4 as putative volunteers. That was their cover story;
5 right?

6 A. Correct.

7 Q. And what kind of work do those
8 journalist wind up doing for the campaign?

9 A. It's whatever they need them to do. A
10 lot of times it's GOTV stuff, registration, it's
11 phone banking, and sometimes it's really menial
12 office work, envelope stuffing, door knocking,
13 canvassing, very basically grass-roots fundamental
14 on the ground campaign work.

15 Q. That's what the PVA folks did there --

16 A. I believe so.

17 Q. -- for the Sanders campaign?

18 A. Correct.

19 Q. Got it. Can I ask you take a look at
20 Exhibit 14? It should be in that stack.

21 A. Is it a picture?

22 Q. Yeah, actually while you're there, why
23 don't you pull out 14, 15, 16, 17, and 18.

24 Exhibit 14, do you recognize what we're looking at

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1 who spoke to whom to communicate that information?

2 A. I think in that case it was one of the
3 Australians who mentioned something to that effect
4 to one of our undercover journalists.

5 Q. Was that captured by the secret
6 recording that the journalist was making at the
7 time?

8 A. Probably, but it wasn't at the time or
9 it wasn't necessarily part of the release because we
10 weren't able to substantiate the information, and it
11 wasn't particularly relevant. When I finally --
12 James O'Keefe and I put together the final
13 production, we leave out a lot of stuff.

14 Q. Sure, sure.

15 A. We do. I think in that particular case
16 where one of the Australians said they had been
17 wasn't particularly relevant to the story that we
18 produced.

19 Q. I think that begins to answer my next
20 question which is what did that Australian
21 individual say to the PVA undercover journalist?

22 A. As I recall -- because we wanted to know
23 that. As I recall, the undercover journalist asked
24 a couple of Australians where else they had done and

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1 are 11 states where it's a two-party consent law,
2 and those 11 states make it very difficult for us to
3 operate. Some states less difficult than others.

4 The Commonwealth of Massachusetts is a
5 particularly difficult state. We just can't operate
6 here because your law is so remarkably difficult for
7 journalists to do undercover reporting, even though
8 there have been a lot of undercover reporting done
9 in this state before your law was passed that was
10 actually pretty good reporting.

11 Q. Before we leave this topic, I want to be
12 clear on this. Even though PVA hadn't received
13 information about the identities of these Australian
14 folks in Massachusetts or where they could be found
15 or how many there were or what they were doing, you
16 do have a memory that the Australian that the PVA
17 journalist spoke with in New Hampshire did say that
18 there were Australian folks working in
19 Massachusetts?

20 A. I believe so, and had they been here and
21 had you had a one-party consent state, we would have
22 found them.

23 Q. Okay. Looking at Exhibit 5, the
24 interrogatory responses in that same paragraph that

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1 speaks about the Australian Labor Party
2 investigation, it also speaks about investigation
3 whose video report was titled American Pravda NYT,
4 Part One, is that the Dudich report that you began
5 to speak about before the lunch break?

6 A. Correct.

7 Q. How did that investigation come to be?

8 A. We met Nicholas Dudich at a conference.
9 We sent some journalists out to a conference in
10 California. I believe it was Southern California.
11 I believe it was Los Angeles or the Los Angeles
12 area. One of our undercover journalists met
13 Nicholas Dudich who told us some outrageous things
14 including the fact that he claimed he was James
15 Comey's godson. He also claimed that he worked
16 undercover for the FBI.

17 He claimed at one point -- he was pretty
18 wild out there. He was pretty out there, but he
19 also said that he was a gatekeeper at the New York
20 Times and that, in fact, he was -- he used his power
21 to basically impact the New York Times coverage in a
22 way that he believed was the politically correct
23 message to send to the audience of the New York
24 Times.

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1 Q. What was the conference that your
2 journalist attended?

3 A. I do not remember the specific
4 conference, but I do remember, as I said to you
5 earlier, that when we registered for it we loved to
6 see this you give up the right of privacy when you
7 attend this conference because conversations will be
8 recorded and videos will be taken.

9 Q. How many journalists did PVA send to
10 this conference?

11 A. I believe it was three.

12 Q. Were all three of them subsequently
13 involved in taking undercover reporting, undercover
14 recording of Mr. Dudich?

15 A. No, at that part of the Dudich
16 investigation in California only one journalist, as
17 I recall, female undercover journalist was the one
18 who recorded the conversations with Mr. Dudich.

19 Q. Okay. So, that female who PVA sent to
20 this conference in California, did she register for
21 the conference under her own name or under a cover
22 name?

23 A. I don't recall. A lot of times we
24 actually have to register under our own names in

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1 different conferences, and we do. We can get around
2 that. I don't recall the specifics of that one.
3 Sometimes we do. Sometimes we don't.

4 We have a number of journalists who have
5 names like Tom Smith. So, they actually sometimes
6 quite commonly use their actual name because they're
7 hiding in plain sight. In that particular case I
8 don't recall.

9 Q. Speaking about this one female
10 journalist who later had these interactions with
11 Mr. Dudich, was it PVA's intention sending her to
12 this conference that she was going to participate in
13 the conference as an attendee, or was it PVA's
14 intention that she was going to conduct an
15 investigation of somebody and generate some
16 material?

17 A. We were fishing. It was a big pond, and
18 we thought there was a lot of fish in it because it
19 was tech and media. Those are two areas that we're
20 kind of interested in. I think there's stuff there
21 that might be of interest. It's a big pond full of
22 fish, and Dudich happened to bite.

23 Q. How did this female undercover
24 journalist first meet Dudich, at the conference I

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1 assume?

2 A. Yeah, I don't recall. You know, I have
3 no idea, one of the least important facts that I
4 would ever want to know about something. All I
5 wanted to know is who did you meet, what did they
6 say, not how did you meet them.

7 Q. Did this undercover journalist give
8 Mr. Dudich her name when they met?

9 A. I would assume so.

10 Q. Did she give her actual name?

11 A. I don't believe so. Again, we commonly
12 don't give our true name. We're undercover
13 journalists. Undercover journalism is about not
14 necessarily exposing the fact -- it's absolutely not
15 exposing the fact you're a journalist when you're
16 talking to subjects.

17 Just like undercover state police in the
18 state of Massachusetts don't go into a drug ring and
19 say, hey, I'm Frank Johns. I'm a lieutenant in the
20 state police. They probably use a cover name and
21 don't tell people they're state cops. And we do the
22 same thing.

23 The reason why the cops do it is because
24 those people won't talk to them if they're the cops.

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1 The reason we do it is because people won't talk to
2 us because we're journalists. That's why we do
3 undercover reporting.

4 I doubt that she gave her real name. I
5 doubt it. I don't like our journalists to give
6 their real names. I think our journalists are under
7 at times, you know, very serious risk and pressures,
8 and I think that we actually have people who harass
9 our journalists. So, I don't want to expose our
10 journalists to any more complications than they have
11 to.

12 So, I actually encourage our journalists
13 to not give their real name. I don't like it when
14 our journalists give their real names because I
15 think it puts them at risk.

16 Q. This female journalist, fair to say she
17 did not disclose her employment by PVA?

18 A. Of course not. She would not do that.
19 Like I said, the state cop doesn't tell the drug
20 dealer she's a state cop.

21 Q. How long did this conference in
22 Los Angeles last?

23 A. I think it was a Thursday-Friday-
24 Saturday conference, but -- I'm not 100 percent sure

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1 of that, but it was about that, typical.

2 Q. At what point in the conference did the
3 female undercover journalist first meet Mr. Dudich?

4 A. I think it was the second day.

5 Q. And did the journalist secretly record
6 her interactions with Mr. Dudich on that second day
7 of the conference, first day she met?

8 A. Yes, I believe that conversation took
9 place on a rooftop smoking area at the conference as
10 I recall.

11 Q. Can we look at from your stack Exhibits
12 19 all the way through 23? Can you specifically
13 look at Exhibit 20? Do you recognize Exhibit 20?

14 A. Yes, I do.

15 Q. Is that the rooftop? Is the background
16 of Exhibit 20 the rooftop smoking area that you were
17 describing?

18 A. Yes, I believe it is.

19 Q. Do you know from looking at Exhibit 20
20 whether that was taken the first day that your
21 journalist had met Mr. Dudich?

22 A. I believe it was. Yeah, I believe it
23 was. I believe it was the first day that she
24 actually engaged him in any kind of real

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1 conversation of any substance.

2 Q. Did you attend this conference yourself?

3 A. I did not.

4 Q. Did the journalist who was engaging
5 Mr. Dudich upload her raw video or send it to you
6 back in Mamaroneck while the conference was going
7 on?

8 A. Yes.

9 Q. Did you and she then speak about what
10 she ought to do next --

11 A. Yes.

12 Q. -- with respect to Mr. Dudich?

13 A. Mm-hmm.

14 Q. What was said in that conversation?

15 A. So, generally again we don't know -- I
16 didn't know that we were going to be talking to a
17 guy at the New York Times. We were able to find
18 Dudich on social media and other Internet searches.
19 I think we found a bunch of his videos that he had
20 edited on the Times website. So, I was kind of
21 curious.

22 You know, a lot of what we do is just
23 kind of have a conversation with people and see
24 where it goes. You know, I don't necessarily say,

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1 get him to say this. In fact, I never say that. I
2 say, ask him about this, ask him about that, ask him
3 about how it works at New York Times, how much
4 control does he have, how much oversight is there of
5 his work, how many people agree with his point of
6 view, how many people -- what's the mood of the
7 place, what do people say about, you know, X, Y, Z.

8 Basically what I try to do with our
9 journalists and, again, part of our, you know, part
10 of the reason why I work there, I believe why
11 Mr. O'Keefe employs me, because I can help the
12 journalist understand what's important. I've been a
13 journalist for a long time, and I have a pretty good
14 news sense. I can say, I don't care what he says
15 about the Washington Post. He doesn't work for the
16 Washington Post. I do want to know about the inner
17 workings of the New York Times and how their
18 editorial decision process works, whether they have
19 an extreme bias one way or the other and how it
20 goes.

21 MR. HASKELL: Let's mark two
22 exhibits.

23 (Marked Exhibits 45 & 46, Screen
24 Shots)

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1 BY MR. HASKELL:

2 Q. Exhibit 46, do you recognize that?

3 A. I do. It is a photograph of one of
4 our -- a still frame, freeze frame, a grab, frame
5 grab of one of our videos, the release that we did
6 on American Pravda.

7 Q. That's the Dudich investigation?

8 A. That is correct.

9 Q. And the --

10 A. The American Pravda was more than just
11 the Dudich investigation.

12 Q. I guess what I mean, it's the
13 investigation that we're talking about that involves
14 Mr. Dudich?

15 A. Correct.

16 Q. Got it. Exhibit 46, was that taken as
17 part of the same interaction between the undercover
18 journalist and Mr. Dudich as Exhibit 20?

19 A. As Exhibit 20, yeah, because he's got
20 the same shirt on and it looks like the same roof
21 and -- yes.

22 Q. You can see that it looks maybe like a
23 heat lamp in the back?

24 A. Yes, I'll bet it's a satellite dish.

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1 Q. That works too. Exhibit 45, was that
2 taken in the same place as Exhibits 20 and 46?

3 A. Oh, it is a heat lamp, yeah, but on a
4 different day because he's wearing a different
5 shirt. As I recall, Dudich was smoker. That was
6 kind of what they did or -- and I don't think our
7 undercover journalist, that particular journalist
8 was a smoker. Sometimes our journalists will smoke
9 when they need to if they have to in order to have a
10 conversation with people that smoke, but as I
11 recall, Dudich was if not a smoker he was one of
12 those wacko vapors. I think it was the next day.
13 The black shirt, so the next day, because that's
14 when he told us the story about the -- that his
15 godfather was James Comey.

16 Q. That was the second day --

17 A. I believe so.

18 Q. -- that your journalist had interacted
19 with Mr. Dudich?

20 A. Correct.

21 Q. Third --

22 A. And I think it was the third day of the
23 conference. I'm not 100 percent sure of that.
24 Those facts are not real important to me.

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1 Q. And Exhibit 19, which we had pulled out
2 of the stack a moment ago --

3 A. Yes.

4 Q. -- that's also a screen grab from the
5 same video report?

6 A. Yes.

7 Q. And it appears that Exhibit 19 was taken
8 the same day as Exhibit 45; right?

9 A. Yep, black shirt but inside.

10 Q. The background of Exhibit 19, was that
11 the conference your journalist was attending?

12 A. I believe so. I think it was in one of
13 the public hallways that you ingress and egress from
14 the conference.

15 Q. Looks like there's some sort of poster
16 board in the background.

17 A. Yep, movie nights.

18 Q. So, after the conference was finished,
19 did your journalist then return to Mamaroneck or
20 that area?

21 A. No, that journalist doesn't live in
22 Mamaroneck, that journalist, but Mr. Dudich returned
23 to New York because Mr. Dudich lived in New Jersey
24 and worked for the New York Times at the New York

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1 Times headquarters in New York City in Times Square.

2 We wanted to finish the conversation
3 with Mr. Dudich because we thought we were on to
4 something. We wanted to get more. We wanted more
5 information. We wanted more conversations with him.
6 We wanted to continue the dialogue.

7 Q. PVA's undercover journalist, the same
8 female, had at least two more meetings with
9 Mr. Dudich; right?

10 A. That is correct.

11 Q. Can I ask you to look at Exhibits 21 and
12 22?

13 A. Yep, looking at them now.

14 Q. Exhibit 21, where was that taken?

15 A. Number 21 was taken at Yankee Stadium
16 like in one of those hospitality kind of suite
17 things that they have in the stadiums for people who
18 have more money than I do and fewer ex-wives and
19 that was a meeting that Mr. Dudich -- we actually
20 took Mr. Dudich to the game, as I recall, as part of
21 our investigation.

22 Q. Does PVA have tickets or access to one
23 of those hospitality suites at Yankee Stadium, or
24 did PVA get that for Mr. Dudich?

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1 A. We got that specifically for Mr. Dudich.
2 We do not have box seats at Yankee Stadium, and I
3 would be opposed to that because I'm a Mets fan.

4 Q. Exhibit 22, where was that taken?

5 A. That was that a restaurant that's
6 downstairs in the New York Times building. It's not
7 actually like your cafeteria. It's not part of the
8 New York Times. I think it's an independent
9 contractor. What do you call it? You know, what's
10 that word I'm looking for when you have, you know --
11 it's a guy who's got a business in the New York
12 Times building and it's a diner/restaurant.

13 Q. The meeting that we see in Exhibit 22,
14 when did that happen in relation to the Yankee
15 Stadium outing in Exhibit 21?

16 A. As I recall, Exhibit 22 is our sort of
17 final meeting with Mr. Dudich at the diner.
18 Penultimate meeting with Mr. Dudich was at Yankee
19 Stadium.

20 Q. Were there any more meetings between the
21 PVA journalist and Mr. Dudich other than the
22 conference in Los Angeles, the Yankee Stadium, and
23 the diner?

24 A. I had a cameraman stake out his

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1 apartment in New Jersey so I could get video of him.
2 I wanted more video of him to help tell the story.
3 We also had considered having Mr. O'Keefe meet
4 Mr. Dudich to ask him some questions. We decided to
5 not do that. We decided it was more appropriate for
6 us to have a conversation with Mr. Dudich's bosses
7 including Mr. Dean Baquet who is the executive
8 editor of the New York Times.

9 Q. Those other occasions that you just
10 mentioned where you had a camera outside of
11 Mr. Dudich's home and you considered an encounter
12 between Mr. O'Keefe and Mr. Dudich, did either of
13 those occasions involve the female PVA journalist
14 meeting with Mr. Dudich?

15 A. No, they did not.

16 Q. So, those two people met at the
17 conference in LA, at Yankee Stadium, and at this
18 diner?

19 A. Yes.

20 Q. And the PVA journalist was recording
21 each of those encounters?

22 A. Yes.

23 Q. Okay. The conference, you said, was a
24 Thursday, Friday, Saturday?

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1 A. I believe so, but I'm not 100 percent
2 certain of that. I could be wrong about that.

3 Q. How long after the end of the conference
4 did the Yankee Stadium date occur?

5 A. I think it was a couple weeks. I want
6 to say about three, two to three weeks more or less.
7 There were some conversations -- we had to figure
8 out how the journalist could be in New York
9 plausibly so that she could then have another
10 meeting with Dudich. We had to figure that out. We
11 had some other issues we needed to sort out.

12 I want to say that it was a few weeks,
13 but it might have been a little longer than that. I
14 remember there was one period where we had -- our
15 undercover journalist had trouble contacting Dudich.
16 He kind of went off the radar, which happens to us a
17 lot. When it happens we have to deal with it and
18 wait until they come back on grid.

19 Q. And how long after Yankee Stadium did
20 the diner date in Exhibit 22 occur?

21 A. I think it was about a week or so. It
22 might have been a little longer than that. Time is
23 really one of my great weaknesses in life. I tend
24 to compress it and expand it for no logical reason.

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1 I'm not a big calendar guy. I tend to see my life
2 and these investigations as kind of almost like
3 they're one event. I have tendency to compress
4 things. So, when you ask me those questions, I
5 would beg your forgiveness if I'm not as accurate as
6 I would like to be.

7 Q. But in any event, several weeks between
8 the one date and the other?

9 A. That's what I believe.

10 Q. Okay. Do you remember who the Yankees
11 were playing that day?

12 A. No, but what I remember, which was so
13 crazy, they were in there having this meeting when
14 like, in, like, the ninth inning and it was, like,
15 2-2 and the bases were loaded. I remember in one of
16 our video shots, you could see the monitor. Bases
17 were loaded, two outs in the ninth, and they're
18 sitting there talking. I thought, Jesus, these
19 people are such nerds. Dudich was the biggest one
20 of them all. I remember seeing that. It was a
21 great game. I don't remember who they were playing.

22 Q. It sounds like Dudich wasn't there for
23 the baseball game.

24 A. No, no, Mr. Dudich was intrigued by our

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1 undercover journalist.

2 Q. In what way?

3 A. I think he was attracted to her.

4 Q. So, well, during the conference in
5 Los Angeles, did the undercover journalist tell
6 Mr. Dudich anything about who she worked for, where
7 she lived, her background?

8 A. Well, I don't think she told him
9 anything that was necessarily true, although I
10 instruct our journalists who are building a cover
11 story and an alias to create an alias that is as
12 similar to your own story as reasonable. This is
13 because when you create a story that is completely
14 beyond your understanding or experience, you often
15 get caught out.

16 For example, if you were one of my
17 undercover journalists, I would say you should not
18 say that you were a professional football player and
19 went to Georgia State. You never know. You might
20 meet a guy who actually played at Georgia State and
21 say, "I don't remember you."

22 I try to tell our journalists to have as
23 similar to their own story as possible but still not
24 revealing their true identity.

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1 Q. Okay. And so you said that this
2 particular female journalist didn't live in the New
3 York area; right?

4 A. Correct.

5 Q. What part of the country did she live
6 in?

7 A. In the Northeast generally.

8 Q. But not in New York City?

9 A. Correct.

10 Q. Or around New York City?

11 A. Correct.

12 Q. And so at the end of conference, had she
13 given Mr. Dudich reason to believe that she was
14 going to her true home area, wherever that was?

15 A. Yeah, as I recall when I first -- the
16 Dudich story, I was a little skeptical of the Comey
17 thing. James Comey was in the news. James Comey
18 got fired by the president of the United States.
19 James Comey is a integral part of this Russia
20 investigation. I was like, okay, if he's freaking
21 Comey's godson, that's interesting. Maybe there's
22 something we can learn about this. Who knows. I
23 didn't know where it was going to go. I was
24 intrigued.

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1 I wasn't sure I believed him. He was
2 kind of a little bit of a bullshitter. You never
3 know. That's why it's important for us to be able
4 to follow up on these things because I don't want to
5 report something that's not true. I really don't.
6 It's in my bones. You know, I really believe that
7 it's really important for us to report the truth.
8 So, I wanted to verify that he was Comey's godson.
9 I also wanted to talk to him a bunch more times, if
10 he was Comey's godson, what Comey was up to, what he
11 knew.

12 I think the story we came up with was
13 that the undercover journalist said that she had --
14 her father was wealthy and that she traveled around.
15 I think she even said that her father lived in New
16 York. I think her original story just because it
17 was what we came up with was she actually was living
18 in California and was attending the conference
19 because it was, like, you know, in the neighborhood
20 kind of thing. We don't -- we couldn't create the
21 kind of job to make sense for her to be there if she
22 traveled from New York, for example.

23 I think what we came up with was she
24 said her father was wealthy, to Dudich, and that he

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1 lived in New York and that she visits him often, and
2 when she visits him next she would love to see him
3 when she came to New York.

4 Q. Had the PVA journalist said that to
5 Mr. Dudich before she left at the end of this
6 conference in Los Angeles?

7 A. Yes, I believe so. By the way, it was
8 the undercover journalist's father that bought the
9 Yankee tickets. Not really.

10 Q. That was the story, yes?

11 A. Yes, that was the story.

12 Q. Got it.

13 A. That's how it works.

14 Q. You said you had the sense that
15 Mr. Dudich was attracted to your reporter. What
16 gave you that sense?

17 A. Well, she's a young, attractive female.
18 He is young, reasonably attractive male. Usually,
19 at least in my experience, young males are attracted
20 to young females.

21 Q. Perhaps when they meet at far flung
22 conferences?

23 A. When they meet anywhere they tend to be
24 attracted to them and each other. And, in fact,

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1 that is not -- for us that's not something that we
2 necessarily avoid. Our objective, our journalists'
3 objective is to have conversations and encounters
4 and relationships with the people that we're
5 investigating. So, if that person thinks that this
6 person is attractive and wants to spend time with
7 that person because they're attracted, great, that's
8 all good for us.

9 Q. So, they leave the conference in
10 Los Angeles, go to their respective homes, more or
11 less. Who reaches out to whom next?

12 A. As I recall, our journalist reached out
13 to Dudich, I think through an e-mail or text. I
14 think they were texting a lot. These young folks,
15 they text all the time. I think that conversation
16 and that sort of back and forth was primarily over
17 text.

18 Q. Fair to say at that point Mr. Dudich was
19 eager to see the journalist again?

20 A. You know, he was funny. I think he was
21 intrigued by her and he was attracted to her, but he
22 was a -- he's a weird duck. He kind of went off the
23 grid for a while. He wasn't like, you know,
24 charging up the gangplank to get on the boat, no pun

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1 Q. Did Journalist B succeed in developing
2 an independent relationship with Mr. Dudich?

3 A. Limited. It was not as successful as I
4 had hoped.

5 Q. You said a couple weeks went by between
6 the Yankee Stadium date Exhibit 21 and the diner
7 date in Exhibit 22; right?

8 A. That is correct.

9 Q. And were Journalist A, the young woman,
10 and Mr. Dudich in touch between those two times?

11 A. I believe they were texting and
12 communicating at some level.

13 Q. Pretty frequently?

14 A. There was communication. There was
15 communication.

16 Q. Okay. And how did the date in
17 Exhibit 22 at the diner come to happen?

18 A. So, I really wanted to lock down the
19 Comey thing. I had real serious reservations about
20 it. As I said, I had doubt about Dudich's
21 credibility, but I thought if he could give us more
22 information, it might help us lock it down one way
23 or the other. We wanted to -- basically, the
24 purpose of that meeting was to get Dudich to talk

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1 about Comey more, which he did, but all of it was
2 BS.

3 (Marked Exhibit 47, Screen Shot)

4 BY MR. HASKELL:

5 Q. Do you recognize Exhibit 47?

6 A. Yeah, it's a photograph of the video
7 release that is the same meeting that is in
8 Exhibit 22. It's the same diner in the New York
9 Times building in New York City.

10 Q. Is it taken from a different camera?

11 A. Yes.

12 Q. The camera in Exhibit 47, where was that
13 camera located?

14 A. I believe that was in a bag. I think
15 that's a bag cam.

16 Q. Exhibit 47?

17 A. I believe so, yes.

18 Q. Okay. What about Exhibit 22?

19 A. Twenty-two was a bag cam by one of our
20 production people.

21 Q. And was that production -- it looks like
22 the camera angle in Exhibit 22 is from a table
23 adjacent to where Mr. Dudich and Journalist A are
24 sitting; correct?

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1 A. Correct.

2 Q. Was the production person sitting at
3 that adjacent table?

4 A. Yes.

5 Q. Unbeknownst to Mr. Dudich?

6 A. I'm sure he saw him, but he didn't know
7 that he worked for Project Veritas, but he didn't
8 know that Journalist A worked for Project Veritas
9 either.

10 Q. True identity unknown to Mr. Dudich?

11 A. Correct.

12 Q. Can I ask you to pick up Exhibit 23,
13 please?

14 A. Yes.

15 Q. So, this is also a screen shot from that
16 same published video report?

17 A. Correct.

18 Q. This screen shot, I'm correct that the
19 screen shot is correlated with an audio recording --

20 A. I'm sorry.

21 Q. Go ahead.

22 A. This actually is a phone conversation
23 that Journalist A had with Mr. Dudich after the
24 meeting that's in Exhibits 47 and 22.

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1 A. In fact --

2 Q. -- she wasn't there?

3 A. -- she didn't know who Nicholas Dudich
4 was and was not, in fact, his mother.

5 Q. Okay.

6 A. Then with further OSINT we proceeded
7 to -- OSINT is open-source intelligence meaning
8 basically the Internet. We discovered that what we
9 were able to pretty, I think, seriously confirm that
10 Mr. Dudich's mother lived in the Commonwealth of
11 Massachusetts.

12 Q. Where did you learn that she lived?

13 A. As I recall, it was just OSINT stuff.
14 We knew that they had lived in Ohio and that the
15 father and mother divorced at a certain point. I
16 think we knew where the mother went to school
17 because I think Dudich told Journalist A some of
18 that background information. We were able to pretty
19 much lock down almost 100 percent -- I was very
20 confident that the woman we believed was Nicholas
21 Dudich's mother lived in Boston, Massachusetts, or
22 in the area. I don't think she lived right in
23 Boston. I think it was like Needham or something
24 like that. I don't remember the exact town. I

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1 would have -- I wouldn't have bet the farm on it,
2 but I would have bet a few cows.

3 Q. Did you identify a particular
4 residential address for Dudich's mom?

5 A. We had a workplace, and we had a
6 residence.

7 Q. Okay. What was the workplace, do you
8 recall?

9 A. No, I don't.

10 Q. Do you know where it was?

11 A. I want to say it was in Boston. I think
12 she worked in Boston and lived in one of the
13 suburbs.

14 Q. So, looking at Exhibit 5 again, the
15 interrogatory responses we had a while ago, and
16 turning to page seven, in that paragraph that got us
17 talking about Mr. Dudich, there's a note there that
18 Project Veritas desired to use secret recording in
19 Massachusetts in the process of investigating claims by
20 New York Times reporter relating to former FBI
21 Director James Comey in the fall of '17 but avoided
22 doing so because of the law.

23 First of all, was the investigation
24 involving Mr. Dudich classified as a Project Veritas

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1 investigation or PVA investigation?

2 A. I believe American Pravda was a Project
3 Veritas investigation.

4 Q. But the personnel and the methods and
5 the techniques are the same between the two?

6 A. Correct. It's two organizations because
7 we have separate functions, but much of the
8 personnel, practices, and activities are similar.
9 They're basically two -- we basically wear two hats.
10 We wear one hat when we are doing certain kinds of
11 investigations, and we take that hat off and put on
12 another hat when we're doing another kind of
13 investigation.

14 Q. In the interrogatory response we see on
15 page seven of Exhibit 5 here speaking about a desire
16 to use secret recording in Massachusetts, did that
17 relate to Dudich's mother?

18 A. Yes.

19 Q. Were there any other opportunities to
20 use secret recording in Massachusetts in the Dudich
21 investigation other than with respect to his mother?

22 A. No, not with the Dudich investigation.
23 I think the obstacle, we wanted to confirm that
24 Comey was Dudich's -- or find out that it wasn't

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1 true. We wanted confirmation one way or the other
2 of Dudich's relationship with James Comey. We
3 believed by talking to a close family member of
4 Mr. Dudich we would be able to determine whether or
5 not that was, in fact, true.

6 Q. Could I ask you to pull Exhibit 30 out
7 of the stack, please? Exhibit 30 is an e-mail
8 tread. You see your name and e-mail address appear
9 in Exhibit 30?

10 A. Mm-hmm.

11 Q. Do you remember this e-mail tread?

12 A. Vaguely.

13 Q. Does this relate to an effort to
14 secretly record Mr. Dudich's mother in
15 Massachusetts?

16 A. Yes.

17 Q. Okay. At the time that this e-mail
18 thread was sent, had PVA identified a location at
19 which it would have or desired to secretly record
20 Mrs. Dudich?

21 A. I believe we had the home address, and I
22 think we had a work address or some kind of work --
23 some -- as I recall, as I said before, I believe we
24 had a home address, and I believe we had some kind

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1 of business address.

2 Q. What does Mrs. Dudich's home look like?

3 A. I have no idea. I've never been there
4 myself.

5 Q. What was the plan for a PVA journalist
6 to engage with Mrs. Dudich at her home?

7 A. I don't remember the exact ploy that we
8 were going to use. Somehow we were going to say
9 that we knew Nick and that we were -- I don't
10 remember. I don't remember what we were going to
11 do. What ended up happening -- we're in the video
12 business. When we come up against the Commonwealth
13 of Massachusetts, it's a real problem.

14 I think, as this says, we did send some
15 UCJs up here without camera equipment, and I think
16 they were doing a survey trying to see what they
17 could see. I think what I was kind of -- I don't
18 remember my thought process per se. I think these
19 the undercover journalists were not going to have a
20 conversation. They were just coming up to look
21 around.

22 What I was hoping was that maybe like a
23 lot of people in Massachusetts they go back and
24 forth to New Hampshire, Maine. It was to come up,

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1 take a look around and see what you could see. We
2 had some people in New York, send them up.

3 Because we couldn't do Massachusetts, we
4 ended up finding Dudich's grandmother and aunt in
5 North Carolina and Dudich's father in Washington,
6 D.C., and we were able in those jurisdictions to do
7 undercover reporting in line with the First
8 Amendment of the United States Constitution, and we
9 were able to confirm that Dudich wasn't James
10 Comey's godson, which was --

11 Q. The undercover journalists who traveled
12 to Massachusetts to look around, they never had a
13 specific plan to approach Mrs. Dudich in
14 Massachusetts?

15 A. No, because we don't do -- we're video.
16 What we do is we shoot undercover video. We record
17 undercover video and audio. Our profession is
18 undercover video journalism. I don't really have a
19 real big interest in one of my journalists talking
20 to somebody and finding out information unless they
21 can wear a hidden camera because that's not the
22 business that we're in.

23 Q. Where did Mrs. Dudich work?

24 A. I'm trying to recall. I thought -- she

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1 was either a lawyer or some kind of health care
2 worker. It may have been a combination thereof
3 where she was like a lawyer who did health care,
4 something like that. I thought she had an office
5 again in Boston or in the Boston area and a home in
6 a suburb of Boston.

7 Q. But you don't remember where the office
8 in Boston was?

9 A. No. I wasn't that interested because
10 the problem is we can't do our job in the state of
11 Massachusetts. So, it wasn't real important to me.
12 I spend a great deal of time and effort and
13 attention to investigations that are legal and where
14 we can operate and do our journalism. I don't spend
15 a whole lot of time worrying about places that
16 forbid freedom of the press.

17 Q. So, I take it you wouldn't be able to
18 say whether the location where your journalists
19 desired to encounter Mrs. Dudich would come with an
20 reasonable expectation of privacy? I mean, it
21 sounds like you just don't know?

22 A. I don't really know, but I know she was
23 in the state of Massachusetts, and the state of
24 Massachusetts expressly forbids undercover

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1 recording. So, therefore it didn't matter where she
2 was in the state of Massachusetts. No matter where
3 she was, middle of the Red Sox stadium on a
4 megaphone, I couldn't undercover record her
5 according to your law as I understand it.

6 MR. HASKELL: Let's call a break.

7 (Whereupon, a recess was taken)

8 BY MR. HASKELL:

9 Q. Turning back to Exhibit 5, response to
10 interrogatory number nine.

11 A. Yes.

12 Q. We've been focusing so far on the last
13 paragraph of that response saying that PVA had
14 desired to conduct secret recording in Massachusetts
15 related to the Australian Labor Party and Dudich
16 investigations. I'd like to talk now about the four
17 examples listed in the first paragraph. Could I ask
18 you to take a moment and reread the first paragraph,
19 please.

20 A. (Deponent viewing exhibit).

21 Yes, I'm familiar with all of those.

22 Q. Again, those are instances that PVA has
23 identified that it desired to secretly record a
24 person in Massachusetts but refrained from doing so.

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1 Q. The second category that I'm going to
2 ask you about are PVA's plans and intentions to
3 conduct secret recordings in Massachusetts in the
4 future. Can we keep those two as separate
5 categories?

6 A. I'll do the best I absolutely can.

7 Q. And the two may overlap at some point.
8 We can work with each other on that.

9 Historical in the past occurrences where
10 PVA wanted to do some secret recording in
11 Massachusetts but chose not to, we have the four
12 examples listed in the first paragraph in response
13 to interrogatory nine. We have the Australian Labor
14 Party and Dudich investigations that we already
15 spoke about. Then you also mentioned an
16 investigation related to Harvard. I think we spoke
17 about that with Mr. Verney earlier this week. We're
18 going to include that on the list as well.

19 Are you aware of any other occurrences
20 when PVA wanted to secretly record in Massachusetts
21 in the past and chose not to?

22 A. Not specifically, but I'm always looking
23 for stories. I read at least two to three
24 newspapers almost every single day. Except the Wall

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1 going to do it. In the state of Massachusetts, if
2 we're not going to do it, I don't write up a plan.
3 I don't plan parties that I'm not going to have.

4 Q. Okay. So, let's go through the list in
5 interrogatory number nine here. This first
6 occurrence or potential investigation relating to
7 landlords renting unsafe apartments to college
8 students, what was your involvement in that idea?

9 A. I saw that story. I think it was a
10 Boston Globe story. I saw that story, and I was
11 really intrigued by it because I think it was two
12 years ago or so. I knew my son was going to be
13 moving here. I knew he could fall victim to this
14 same thing. I had a personal stake in it.

15 Plus, I think the landlord exploitation
16 of students and older people is really egregious. I
17 think landlord abuse is just really horrific. I
18 don't know why. Maybe because I was a tenant for so
19 many years and I had a really lousy landlord when I
20 lived on the Lower East Side.

21 I remember reading this story, and I
22 remember reading these instances where kids were
23 being ripped off in rat infested houses and no heat,
24 and I thought, That's just abominable. We could do

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1 that story. That's the kind of story we can do
2 really well. That's the kind of story that
3 undercover video is very powerful.

4 The Boston Globe can write about it, but
5 when you see the landlord and you see the apartments
6 and when you see the people who are being exploited,
7 it's so much more powerful.

8 I've been a video journalist, I've been
9 in television my whole career. I think television
10 is the be all and end all. I respect the print
11 press. I think undercover video sometimes is a
12 unbelievably powerful voice in correcting wrongs.
13 Undercover video specifically is just unbelievable
14 because we get people to admit what they would never
15 say publicly.

16 I had an idea that we could actually be
17 like a landlord kind of guy and talk to the other
18 landlords and get them to tell us how they treated
19 these people, how they did it, why they did it, and
20 the fact that they reveled in it because that's what
21 I certainly believed was the case.

22 Q. Did you set pen to paper and create an
23 op plan?

24 A. No, no, I muse at what I might be able

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1 to do if I had the opportunity and the freedom to do
2 so. I just --

3 Q. Go ahead.

4 A. I think stories like that, that kind of
5 story in particular, is so much in our wheelhouse.
6 It's so important and is what undercover journalism
7 is about.

8 It's about Nellie Bly going into the
9 insane asylum and exploring how cruel and horrific
10 those conditions were. It's Lincoln Steffens. It's
11 people who put themselves in circumstances and
12 situations that they cannot get into publicly but
13 they have to get into covertly and expose the truth
14 that they are able to uncover.

15 Undercover journalism is an incredibly
16 important and powerful tool for democracy and
17 freedom. When you limit that freedom, you damage
18 democracies.

19 Q. This idea to investigate landlords with
20 respect to out-of-code apartments, unsafe
21 apartments, did you discuss that idea within PVA?

22 A. I believe I talked to Russ about it. I
23 might have mentioned it to James too. I don't
24 recall specifically talking to James about it. In

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1 those days -- it's only been in the last year that
2 we've really grown into a much larger organization.

3 In the first two, two and a half years,
4 almost the first three years that I worked at the
5 organization, it was a pretty small group of people,
6 pretty tight, myself, Russell, James, couple of
7 other people who came in and out during that time
8 period. So, we talked about everything.

9 Russ is from Boston and Massachusetts.
10 He grew up here. So, he's really into what goes on
11 here. He knows about where Deval Patrick's bodies
12 are buried. He knows everything, and he is really
13 into it. I don't really know Boston particularly
14 well. Russ was from here, and Russ and I are good
15 colleagues and friends.

16 When a Boston or Massachusetts story
17 comes up, we would often talk about it. He's a Red
18 Sox fan. We talked about it a lot. Boston and
19 Massachusetts and New England generally is Russ's
20 backyard. He grew up right outside of here.

21 Yeah, I remember talking specifically
22 about that story, and I know a bunch of people who
23 went to college here. I mean, I thought it was a
24 good story. I still think it's a good story. I

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1 think it's probably still going on.

2 Q. Is this an idea that PVA still intends
3 to pursue?

4 A. I would love to. I would do it
5 tomorrow.

6 Q. Remembering that you're designated to
7 testify on behalf of PVA with respect to its plans
8 and intentions vis-a-vis Massachusetts, my question
9 is does PVA have a present intention to do an
10 investigation of this type in Massachusetts?

11 A. No, because it's against the law.

12 Q. Is it fair to say that your
13 consideration of this idea never resulted in any
14 individual targets being identified for recording?

15 A. No. I mean, I think I saved the
16 newspaper story. I think I probably did. I tend to
17 save everything. Recently I've been trying to empty
18 my office because I've got stacks everywhere. I
19 remember that story specifically. I think it's a
20 important story. It's a great story. If the law in
21 Massachusetts gets overturned, as I hope it will,
22 then I believe we probably will do that
23 investigation. I would like to.

24 I'm not the final decider. Mr. O'Keefe

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1 is really the final decider. I'm a party to the
2 conversation about what investigations we do and
3 don't do. I like to think that I have a pretty
4 prominent role. It's not my decision alone.

5 Q. Okay. And the way that this idea has
6 been developed by PVA so far, have you identified
7 locations at which you would do secret recordings
8 relating to landlords renting unsafe apartments?

9 A. No. I mean, I know how I would do it
10 just because I know how to do this kind of stuff.
11 I've been doing it for long time. I don't know that
12 I talked to anybody about it because I don't plan
13 parties that I'm not going to have.

14 Q. You haven't identified a particular
15 property that you would look into?

16 A. I have not.

17 Q. You haven't identified particular
18 landlord who you would seek to record?

19 A. I have not and when we initially -- like
20 I said, when I initially saw this story, it was a
21 couple of years ago. As I said, I would bet that
22 it's still going on to some degree because I don't
23 know that the problem has been solved. I haven't
24 heard that. I might -- if the law were changed or

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1 overturned tomorrow, I might come up here and start
2 to do the investigation and find, in fact, it's no
3 longer a problem. If that's the case, then great,
4 terrific, that would be a wonderful thing.

5 Q. It's not your present intention to do
6 that?

7 A. It's not my present intention to do
8 anything in the state of Massachusetts because it's
9 against the law for me to do the kind of journalism
10 that I do.

11 Q. With respect to the second investigation
12 that's mentioned in response to the interrogatory
13 nine, government officials including police
14 officers, legislatures, or members of Massachusetts
15 Office for Refugees and Immigrants and their
16 position on sanctuary cities, is that an idea for
17 potential investigation that you were involved with?

18 A. Yes, the sanctuary cities story is an
19 interesting story. I think it's an important story.
20 Politically I'm not sure I necessarily agree with
21 all -- some of the story, but that's irrespective.
22 I think that when people are violating the law and
23 doing -- and doing so by being paid by the
24 government, whether it be state, local, or federal

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1 government, that that's a problem. That needs to be
2 exposed.

3 The problem that we have with the
4 sanctuary cities story is that many of the biggest
5 sanctuary cities in this country are in states that
6 have two-party consent laws like, for example,
7 Chicago, Illinois, and Seattle, Washington, and
8 Portland, Oregon, and Boston, Massachusetts, and I
9 could go on.

10 So, it's a problem. It's a challenge.
11 It's a real challenge. I would like to do some
12 stuff on it. I think there's a story there. I'm
13 not exactly sure what the story is. I think there's
14 some hypocrisy going on. I think there's some
15 shenanigans with playing politics with this issue.

16 I think that if I were to do an
17 investigation in, say, the state of Massachusetts
18 that we might theoretically potentially expose some
19 hypocrisy about the sanctuary cities issue.

20 Q. When PVA wanted to do some investigation
21 but refrained because of Massachusetts's law, had
22 PVA identified specific people to secretly record?

23 A. No, because again I only go -- so, again
24 the way it kind of works is I'll see something,

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1 somebody will tell me something, we get a tip or
2 James has an idea or Russ has an idea or somebody
3 has an idea, then we'll talk about it usually in the
4 office, and then if it's in a one-party consent
5 state, then we will sort of proceed from there.

6 If it's in a two-party consent state, we
7 do investigations in two-party consent states, but
8 we are so handcuffed. It's virtually impossible,
9 it's incredible expensive, and it usually doesn't
10 even work.

11 We do it because in certain cases we
12 believe the story is so important that we need to
13 figure out a way to achieve the journalism, but it's
14 not easy and Massachusetts is a really tough state.
15 Your law is really difficult for us.

16 California is a two-party consent state.
17 We operate in California because there's an
18 opportunity in the law -- that's pretty reasonable,
19 I think -- when there is no expectation of privacy
20 that you can record a conversation without the
21 person knowing that you're recording it.

22 You're in a public restaurant and
23 somebody sitting at the next table and they can hear
24 everything that you're saying, then what they're

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1 saying to you isn't private in my humble opinion.

2 I'm not very humble.

3 Q. But this concept for an investigation
4 into public officials with respect to the sanctuary
5 cities, is it your testimony that it never got to
6 the point of identifying specific folks you wanted
7 to set out to record?

8 A. That's correct. We never really got to
9 the point at least in the state of Massachusetts
10 where we had specific individuals targeted. What I
11 would have done had we had the opportunity is I
12 would have looked around, see who the great
13 advocates for it. Those probably would have
14 potentially be our targets whether they be
15 legislatures, governors, mayors, school teachers,
16 deputy attorney generals, or whomever would be
17 people I would consider talking to.

18 Q. That hasn't yet happened?

19 A. That is correct.

20 Q. Also with respect to this idea of an
21 investigation involving sanctuary cities, is it also
22 your testimony that never got to the point of
23 identifying specific locations to secretly record
24 those folks?

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1 A. That's correct. We never got that far.

2 Q. The third potential investigation that's
3 listed in response to interrogatory number nine
4 reads, Protest management efforts to the Antifa
5 protest in downtown Boston on August 19, 2017, that
6 would focus on private individuals and public
7 officials. Do you see where I just read that?

8 A. Yes, sir.

9 Q. Were you involved in that idea for a
10 potential investigation?

11 A. Yes, sir.

12 Q. And who did PVA desire to secretly
13 record in Massachusetts for that one?

14 A. The demonstrators at the event and any
15 public officials and anyone else that might be
16 involved in that event.

17 Q. Where did that event take place?

18 A. I think it was a park -- I thought it
19 was a park somewhere in Boston. I don't think it
20 was the Common. I don't know Boston that well.
21 Again, I hear about these things. Somebody said to
22 me -- I mean, we believe the Antifa movement in this
23 country is a dangerous and scary thing. So, we're
24 investigating it. We keep an eye on it.

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1 We had an undercover journalist in
2 Charlottesville. We wanted to see what happened at
3 that event. That was a horrific event that an
4 innocent person lost their life because of crazy
5 people.

6 We're interested in exposing anybody and
7 everybody who in a situation like that do something
8 that we believe is improper, illegal, or, you know,
9 not in the best interest of our country. So, I try
10 to make sure that when there's an Antifa or other
11 kind of event like that going on that we send
12 undercover journalists to see what's going on.

13 Now, sometimes it's all good, they're
14 all nice people, and they have signs and sing
15 Kumbaya. That's a beautiful thing.

16 We did an investigation of the DJ20
17 events surrounding the Trump inauguration. They
18 were planning to set off butyric acid smoke bombs at
19 an inaugural event, which could have been very
20 dangerous and was certainly criminal.

21 When we exposed that, and we had
22 undercover recording of them planning that
23 operation, we took it to D.C. Metro Police, the FBI,
24 Secret Service, and that led to arrests and

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1 prosecutions.

2 The Washington Post in that case said
3 that our investigation validates our practices
4 because it led to a crime not occurring that we
5 believe and law enforcement authorities believe
6 would have occurred or could have occurred.

7 Q. Are you aware of any of these Antifa
8 type of events that occurred in Massachusetts since
9 August 19, 2017, that PVA tried to secretly record
10 but didn't?

11 A. We know based on our reporting that
12 there are Antifa elements within the Commonwealth of
13 Massachusetts and we would love to investigate.

14 Q. And so let's take a quick look at
15 Exhibit 5, the response to interrogatory number
16 nine, see that the fourth potential investigation
17 listed is ongoing and future Antifa or related
18 protests occurring in Boston.

19 At this point we're talking about both
20 the specific event on August 19, 2017, and ongoing
21 and future similar events. Who would PVA record in
22 connection with those concepts?

23 A. I don't know. I will repeat myself.
24 Based on our reporting, our investigation, which has

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1 been going on for well over a year into Antifa and
2 their activities, we believe that there are Antifa
3 elements within the Commonwealth of Massachusetts,
4 and we would like to investigate them, and we
5 believe the only way to successfully investigate
6 them and to keep an eye on their activities is with
7 undercover investigative techniques. That is who we
8 are.

9 Q. Where would such undercover journalist
10 recordings have taken place?

11 A. Well, in other areas such as New York
12 state, such as California, such as Atlanta, such as
13 Virginia where we have done reporting and even North
14 Carolina and the District of Columbia where we have
15 done investigations into Antifa, what we do is we
16 try to infiltrate the organization so we can find
17 out what they're doing and who they are.

18 We don't know who they are in
19 Massachusetts. We have very good sources within the
20 Antifa organization -- Antifa is not like a -- it's
21 not like a football team. It's more like a loose
22 association of independent groups that kind of fall
23 under same ideological banner. They don't all know
24 each other. They operate in a covert and secretive

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1 manner.

2 We've been able to -- we've had some
3 success in investigating them in the past and we
4 hope in the future. Based on our reporting, we
5 believe that there are active Antifa elements in the
6 Commonwealth of Massachusetts.

7 Q. Do you know where those folks are?

8 A. No.

9 Q. Can I ask you to pull Exhibit 26 out of
10 the stack there?

11 A. Yes, I am looking at Exhibit 26.

12 Q. Have you seen that e-mail thread before?

13 A. You know, I'm not sure that I -- I don't
14 see my name on it. So, if I wasn't cc'd, then I
15 probably didn't see it. I don't read other people's
16 e-mail. I think that's impolite, so I don't. If
17 I'm sent an e-mail, I try to read it. I don't see
18 my name on here. I think that is the first time
19 I've ever seen this.

20 Q. I guess then my question is you had
21 earlier mentioned that PVA at one time desired to
22 make secret recordings with respect to Harvard
23 University in Massachusetts. The proposal that's
24 described by Mr. O'Keefe in Exhibit 26, is that that

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1 same idea that you were testifying a moment ago?

2 A. No, I have no idea what he's talking
3 about, but, you know, he'll know. You can ask him.

4 Q. So, the idea that you were talking
5 about, if it's different from Exhibit 26, tell me
6 about your idea.

7 A. I don't remember what specifically the
8 idea was. I recall there was some story about
9 money -- what was it -- federal grants, the number
10 of grants, the amount of grants to Harvard. It was
11 some story in -- I think it was the Times or the
12 Washington Post.

13 I felt it would be interesting to talk
14 to them about how much federal money they get when
15 they have this huge freaking endowment that they
16 have where they could basically buy the state of
17 Massachusetts or at least let everybody go to
18 college for free.

19 I think their greed and their avarice
20 and their kind of smugness is something that I would
21 love to talk to them about. I think it would be
22 interesting, maybe even amusing.

23 Q. Who's them?

24 A. Administrators, the president of the

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1 university, deans, professors. I would be curious
2 as to -- I have this thesis in my career or have had
3 this thesis in my career, you talk to people, you
4 find things out.

5 We might -- like I said, literally
6 dozens and dozens and dozens of time in my almost
7 four years at Project Veritas and Project Veritas
8 Action, we've launched investigations that have
9 turned out to be nothing where our premise or our
10 tip or our idea was, in fact, either incorrect or we
11 couldn't get it. We couldn't get across that goal
12 line. It's happened for my entire career. That's
13 just the cost of doing business and the price of
14 doing business, but it doesn't mean that you
15 shouldn't do it.

16 You know, fisherman catch fish because
17 they throw their nets out every day. It's not
18 because they know every time they throw their net
19 out it's going to get filled up with fish. They do
20 it because they believe there's fish out there, and
21 if they throw the net in the right place, they might
22 catch some fish. And that's what we do.

23 We go out, we have a tip or an idea or
24 we have a concept when we're operating in a

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1 one-party consent state, which is in line with the
2 Constitution of the United States, the American
3 Constitution and the First Amendment, and we cast
4 our net.

5 I would cast a net at Harvard. We did
6 it at Columbia. We did it at Princeton and Yale.
7 We did it at Yale. Even though Connecticut is a
8 two-party consent state, there's no expectation of
9 privacy issue there. So, we can bounce around that
10 law because it's not quite as stringent as the
11 Commonwealth's law.

12 Q. Who did you record at -- who did you
13 record at Yale?

14 A. At Yale it was a -- I think it was like
15 a -- it was, like, a student counselor/advisor that
16 colleges -- when I went to college there were
17 college professionals and there was a college
18 president and a dean. Now there's a whole other
19 layer of bureaucracy at American colleges that deal
20 with such things as whether or not people feel like
21 they're being triggered. I think that's crazy.

22 That was the story we were doing.
23 Basically we had an undercover journalist who
24 suggested that the constitution bothered her; that

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1 she didn't like the constitution and that it
2 triggered her. There is this new word on college
3 campuses about triggering.

4 The administrators in several cases
5 actually helped our undercover journalist destroy a
6 copy of the constitution, and we thought it was
7 amusing. It wasn't a big story, wasn't important,
8 but it was amusing.

9 What was really interesting was when we
10 continued to do this kind of investigation, we went
11 to the University of North Carolina and we went to
12 this college administrator, same story, whole thing,
13 and the college administrator looked at our
14 undercover journalist and said, you know what, you
15 need to get a grip. I'm not going to help you
16 destroy the constitution. You need to talk to a
17 psychiatrist or a psychologist because you've got a
18 problem.

19 What's so interesting about that is
20 that's what all the rest of them should have said
21 too. It was ridiculous. It was literally this
22 undercover journalist suggested that when she saw
23 the constitution it created this great anxiety.

24 Look, that investigation wasn't our

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1 finest hour of journalism, but my point is that we
2 operate and do investigations in a lot of public
3 institutions across the country. We can't do that
4 in states where we can't do undercover reporting, so
5 we don't. What's going on at Harvard? I don't
6 know.

7 Q. Did you identify one or more
8 administrators at Harvard comparable to the ones you
9 found on the Yale and Columbia and Princeton at UNC
10 that you desired to record at Harvard?

11 A. No, we just show up and we talk to
12 whoever is there. We try to get as high on the food
13 chain as we can get. Sometimes we will specifically
14 identify a specific subject we want to talk to when
15 there's a specific investigation.

16 Going back to Democracy Parters, Foval
17 gave us Robert Creamer's name. Once Foval said Bob
18 Creamer, okay, we specifically targeted Robert
19 Creamer. Again, in that investigation we didn't
20 know we were going to meet Zulema Rodriguez until
21 our undercover journalist had met Zulema Rodriguez.
22 We didn't target her.

23 What we tend to do most of the time, we
24 tend to target an institution or an organization.

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1 We can do -- by the way, it's really snowing out
2 there, not dressed for this.

3 Q. I mean, it sounds like the approach
4 you're describing makes it very difficult to know in
5 advance who PVA might be recording, where PVA might
6 be recording that person, and what PVA might capture
7 them saying?

8 A. Just like an undercover cop --

9 Q. Is that right?

10 A. You're absolutely right. Just like an
11 undercover cop who wants to investigate a drug
12 organization. Because you guys can wire tap people
13 and lots of other things that you guys can do, which
14 I'm in favor of as long as a judge approves it, that
15 undercover investigator or undercover cop,
16 undercover state police, doesn't know who is going
17 to give him states evidence, doesn't know where the
18 investigation leads.

19 What you do commonly in those kinds of
20 investigations is you say to the undercover cop,
21 this gang is selling a lot of drugs on the south
22 side. Let's get you involved in that gang and find
23 out who is in charge and how that works. That's how
24 it works. We operate in somewhat a similar way.

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1 What we target for the most part is
2 organizations, institutions, and then we
3 determine -- once we get into the door, then we can
4 become more refined and focus as to whom we want to
5 talk to, who's pulling the strings and who's the
6 power.

7 In the Democracy Partners investigation,
8 that is a perfect example of this. Scott Foval was
9 a pure serendipitous event. We sort of knew who he
10 was. We certainly didn't know what he was going to
11 say. He led us to Bob Creamer. From there we were
12 able to lock down this incredible story.

13 We don't -- most of our
14 investigations -- most is not a great word, but I
15 would say a large percentage of our investigations
16 we don't necessarily have a specific person who
17 we're targeting because we don't know who that is
18 yet.

19 We're journalists. We don't know the
20 end of the investigation at the beginning just like
21 law enforcement doesn't know who they're ultimately
22 going to charge and prosecute when they're doing an
23 investigation of a drug gang or a crime syndicate.

24 Q. So, by the same token, you can't really

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1 predict where these recordings will take place?

2 A. I can tell if you we were doing a
3 Harvard investigation, it would happen most likely
4 on a Harvard campus.

5 Q. That's a big place.

6 A. Indeed, but it's not insurmountable.

7 Q. Sitting in the dean's office versus in
8 the library versus Widener Hall versus, you know,
9 park bench out on the yard versus walking down Mount
10 Auburn Street, you just can't say what location
11 these secret recordings would be taken, can you?

12 A. No, I can't, but I would tell you
13 without any doubt that it would be within the
14 Commonwealth of Massachusetts, and those secret
15 recordings in the Commonwealth of Massachusetts at
16 this moment in time are illegal.

17 Q. On the interrogatory responses,
18 Exhibit 5, let me ask you to --

19 A. I'm sorry, Exhibit 5?

20 Q. Exhibit 5.

21 A. Yep, I got it.

22 Q. Let me ask you to flip to page seven.
23 Follow with me as interrogatory number 11 asks PVA
24 to identify each step it's taken in furtherance of

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1 would say why don't we go try to have conversations
2 with police officers attached to the Beverly Police
3 Department and find out if we can get them to talk
4 about this practice of soliciting bribes from
5 businesses.

6 Q. Are you aware of any such particular
7 opportunities for PVA as you sit here today?

8 A. No, not specifically. I think that my
9 experience is that, sadly, there are innumerable
10 opportunities for the kind of reporting and
11 investigations that we do in every state of the
12 union and the District of Columbia and probably
13 Puerto Rico and Guam.

14 Q. Does PVA have any present intention to
15 record a particular person in secret in a particular
16 place in a particular way doing a particular thing
17 or saying a particular thing?

18 A. Outside of Massachusetts?

19 Q. In Massachusetts.

20 A. Not in Massachusetts, no, that would be
21 against the law. We can't do that. I would love to
22 probably secretly record a whole bunch of people
23 because that's what I do. I think it is a very
24 important and valuable kind of journalism. We don't

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1 have any plans to because we can't. It's against
2 the law, and we don't break the law.

3 Q. I'm going to pull the computer screen
4 back up again. Looking at the jump drive that
5 earlier today we marked as Exhibit 39, I'm going to
6 take a look at a couple of files.

7 First, going down into the folder on
8 that jump drive titled Jump Drive 30(b)(6) Videos
9 and sub-folder RDP15, I'm going to play the first
10 file there titled 15-P23, Grimes Campaign Workers,
11 and that's an MP4 file. Do you see that where I'm
12 opening it?

13 A. Yes, sir, I do.

14 (Video played)

15 BY MR. HASKELL:

16 Q. I've paused that film fifteen seconds
17 into it. Do you recognize this file that we're
18 beginning to view here?

19 A. Yes, I produced this story, and I was
20 very happy when I found this TV ad that was produced
21 by the Alison Grimes campaign. It made me very
22 happy.

23 Q. The one that's up on the screen?

24 A. Correct.

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1 A. You know, I don't -- I think it's
2 New Hampshire.

3 MR. KLEIN: Can we play more?

4 THE WITNESS: I've been in a lot
5 of cars in a lot of places. I'm sixty
6 years old. I've been in lots of cars.

7 MR. KLEIN: Take your time.

8 (Video played)

9 BY MR. HASKELL:

10 Q. I'm going to pause here at one minute
11 and fifteen seconds into it. Do you recognize this
12 movie at this point?

13 A. I don't, I'm sorry. I really don't.
14 I've been to a lot of places. I think that's James
15 O'Keefe. I just don't remember exactly where that
16 was. We've been to a lot of places.

17 Q. Once more drilling down into Exhibit 39,
18 Jump Drive Raw Videos, opening sub-folder titled
19 RDP18-2 and the sub-folder underneath that titled
20 "A," there's one MP4 file in there whose name ends
21 '2900. Do you see me opening that on the screen on
22 the side of the conference room?

23 A. Yes, I do.

24 (Video played)

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1 BY MR. HASKELL:

2 Q. I've paused this video twenty seconds
3 into it. Do you recognize this video that we're
4 watching?

5 A. I do I recognize this one.

6 Q. What is it?

7 A. This is a recording with a union
8 official in -- I don't remember the city, but I
9 believe it's Kansas. His name is Steve Wentz, and
10 he's talking about hitting kids and seeming to brag
11 about it.

12 Q. And this file that we've begun to watch
13 here, is this the raw video underlying a video
14 report that Project Veritas later published?

15 A. I believe it is.

16 Q. Let me ask, the person recording this
17 scene here is a Project Veritas undercover reporter;
18 right?

19 A. Correct.

20 Q. A male or female? Would it help to play
21 some more of the video?

22 A. It would.

23 Q. Let's do it.

24 (Video played)

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1 Mr. Wentz to see if we could get him to elaborate on
2 the story.

3 Q. Let's take a step back. The video at
4 the bar in Florida at the teachers union conference
5 was captured before the video of this meeting at the
6 restaurant in Wichita?

7 A. Absolutely.

8 Q. Okay. And it was the video at the bar
9 in Florida that was taken by the female PVA
10 undercover; right?

11 A. Correct.

12 Q. How did they get to be at the teachers
13 union conference, you said?

14 A. Yes.

15 Q. How did she get to be there?

16 A. I think she flew.

17 Q. Was she sent there as part of a Project
18 Veritas investigation?

19 A. Indeed she was.

20 Q. Were you involved in planning that
21 investigation?

22 A. Yes, I was.

23 Q. Did she attend the entire conference?

24 A. No, I don't even think -- as I recall, I

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1 don't think she actually attended the conference. I
2 think what she did as she's one of our better -- was
3 one of our better journalists, I think what I told
4 her to do was hang out at the bar. I said, I've
5 been to conferences in my life and people go to bars
6 and especially men go to bars and they like to brag.
7 It's a good place to get conversations and content.
8 If you sit at the bar and you dress nice and you
9 look nice and you talk to people and you're alone,
10 men will talk to you. This conference was primarily
11 teachers union officials. I figured some teachers
12 union officials would go to the bar and talk about
13 what they do.

14 Q. How old was this young woman at the
15 time?

16 A. She's in her twenties.

17 Q. Okay. So, did she specifically seek out
18 Mr. Wentz?

19 A. Absolutely not. This was another
20 situation which again as you have seen, as we've
21 gone through, this happens to us so many times and
22 that's why, you know, when we talk about things we
23 would do in Massachusetts, we don't know who we
24 would investigate. We don't know who the corrupt

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1 people are. We don't know who the lawbreakers are.
2 We don't know who the bad guys are. The only way we
3 find that out is to go out there and put ourselves
4 in situations where we can encounter and converse
5 with those people.

6 It's a very imprecise profession,
7 journalism. Like I said, I've been doing this a
8 long time. I spent three and a half years covering
9 the war in Bosnia and in and out of Sarajevo. I
10 never knew what was going to happen. I knew we
11 wanted to talk to people who were victims of the war
12 or prosecutors of the war. I sort of knew where
13 some of them were.

14 One day we drove down a road and came
15 across one of the infamous rape camps where there
16 were young women literally tied to buildings, and
17 these Serb guards didn't like us and told us to go
18 away. We were actually able to film it. It was a
19 big story at the time. We don't know whom we're
20 going to investigate.

21 In this case, Steve Wentz went to the
22 bar where our journalist was and started telling
23 this story. I don't think our journalist knew that
24 he was a teachers union person until he told us

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1 that. Her job was to go to these kinds of events
2 and basically talk to people and see what she could
3 find out. The business of undercover journalism to
4 a large extent is being at the right place at the
5 right time and listening.

6 Q. In your experience a bar is a pretty
7 good odds place to do that?

8 A. It's just logical. People in bars are
9 killing time. They are -- it tends to be a really
10 relaxed conversational place. In this particular
11 case it was important for us to be in a bar.
12 Florida is a two-party consent state, but if there
13 is no expectation privacy, we can do our job, we can
14 be journalists and we can -- the law in Florida
15 allows for undercover recording of people who don't
16 know you're recording them if it's in a public place
17 and there's no expectation of privacy.

18 Bar in Florida is really good for us
19 because there's a bartender, there's other
20 customers, and there was a guy sitting next to him
21 who was kind of involved in the conversation, sort
22 of half in and half out. There were people walking
23 by, people sitting in other areas of the bar.

24 We always ask this question because I

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1 When you sit at a bar -- the social
2 paradigm in this culture is when you're at a bar it
3 is not at all strange to talk to somebody you don't
4 know. If you're sitting at a table in a restaurant,
5 that's very strange to do that. When you're in a
6 elevator, it's pretty strange to talk to people. I
7 talk to people all the time.

8 Bars are one of the unique social
9 environments where you can talk to strangers and
10 strangers are willing to talk to you. It's one of
11 the unique areas of our social and political life
12 where you can talk to a stranger and they will talk
13 to you and everybody thinks it's perfectly normal.

14 In undercover journalism where we are
15 trying to talk to people who otherwise we may not be
16 able to talk to, bars serve a very valuable purpose
17 because of that social phenomenon.

18 Q. I'm going to play a segment of the
19 video, the 17K Teachers Union President to Kid video
20 beginning at time stamp 2:19. We're going to play
21 through 3:09.

22 (Video played)

23 BY MR. HASKELL:

24 Q. So, in your own words, what did we just

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1 see there?

2 A. Mr. Wentz saying that he has threatened
3 physical violence on several of his students in the
4 past.

5 (Marked Exhibit 48, Screen Shot)

6 BY MR. HASKELL:

7 Q. Do you recognize Exhibit 48?

8 A. It's a screen grab of the video that I
9 produced that Project Veritas did on Steve Wentz.

10 Q. From the segment that we just watched?

11 A. Correct.

12 Q. Okay. What was the PVA undercover
13 journalist, the female in the bar in Florida here,
14 what was her cover story to Mr. Wentz?

15 A. You know, I don't think there was much
16 of one. Wentz was the kind of guy who liked to hear
17 his own voice. He didn't ask a lot of questions.
18 He's like a lot like a man. He's a braggart and a
19 loud mouth. I don't think he asked her. Usually,
20 typically we would say in a situation like that,
21 keep your cover story real simple. Don't over
22 complicate it.

23 Some undercover journalists have a
24 tendency if you give them a complex cover story

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1 there's tendency to blather it out, which is not
2 normal. In fact, I try to tell our undercover
3 journalists to answer a question if it's asked. You
4 don't have to tell people where you went to school,
5 what your mother's name was, how many brothers or
6 sisters you have and how many of them are divorced
7 unless somebody asks you.

8 Q. Did the undercover journalist in this
9 video suggests to Mr. Wentz that she was a young
10 teacher or an education student or interested in
11 getting involved in teaching?

12 A. She might have. She might have in order
13 to get him talking about it. Yeah, you know what,
14 now that you mention that, that sounds familiar. I
15 mean, it was an education conference. It would have
16 made sense for us to come up with something like
17 that. This again was one of our finest journalists.
18 This young woman was so remarkably talented and
19 smart and quick on her feet that she may have come
20 up with that at the moment. She's a remarkable
21 young woman and I miss her dearly, but we're still
22 friends.

23 Q. I'm going to shut down the published
24 video report. Back to raw video RDP15-2 sub-folder

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1 "A" to the '2900.MP4 file, and I'm going to open
2 that now. Do you see me doing that?

3 A. Yes, I do.

4 Q. I think we discussed earlier that this
5 is the raw video underneath the segment of the
6 published video with Mr. Wentz that we just viewed?

7 A. That's correct. You can tell it's the
8 raw video because in the produced released video the
9 man you see on the screen now who was not a
10 participant of the conversation, other than sort of
11 just being there, we blurred his face in the
12 published video. We have no desire to expose
13 anyone. We don't want to embarrass this guy or make
14 him feel bad. I'm not interested in hurting people,
15 especially people who are totally innocent who
16 happen to be sitting next to bar next to this guy.

17 Q. I'm going to play a portion of the raw
18 video. I'm looking at starting at time
19 stamp 8:42 and continuing through 9:35. I'm going
20 to ask you to watch that, please, as I play it.

21 (Video played)

22 BY MR. HASKELL:

23 Q. So, I paused it at 9:36 actually. Is it
24 fair to say that the segments that we just viewed in

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1 the raw video corresponds to the same footage that
2 we viewed together a moment ago in the published
3 video?

4 A. Yes, it is.

5 Q. Where we've paused the video at
6 9:36 here, it looks like Mr. Wentz has raised his
7 right hand and forefinger and began to say "now."
8 Did you catch that?

9 A. Yes.

10 Q. I'm going to keep playing from 9:36.

11 (Video played)

12 BY MR. HASKELL:

13 Q. Mr. Wentz just said, "Now, here's the
14 caveat to that. If you work hard in here, I will
15 walk through fire for you." Is that correct?

16 A. Yes.

17 Q. And was that portion that we just saw in
18 the raw video, did that make it into the published
19 video?

20 A. I don't believe it did.

21 Q. Let's continue playing from 9:42 where
22 I've paused it forward.

23 (Video played)

24 BY MR. HASKELL:

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1 Q. The last thing I've paused it at 9:56,
2 Mr. Wentz just told the PVA journalist, "That's not
3 something you can share in a college of education
4 class and that's obviously not a tool that you could
5 use"; is that right?

6 A. I believe so.

7 (Video played)

8 BY MR. HASKELL:

9 Q. And I've just played and paused it at
10 time stamp 10:00. Did you catch Mr. Wentz say, "The
11 point is to be real with some of these kids"?

12 A. Mm-hmm. Yes, I'm sorry. I did hear
13 that, indeed.

14 Q. Thank you.

15 A. Forgive me.

16 (Video played)

17 BY MR. HASKELL:

18 Q. I've paused it at 10:39. That 39-second
19 clip that we just listened to, fair to say Mr. Wentz
20 was describing an encounter he had some twenty years
21 on with a student with whom he had had one of these
22 come-to-Jesus type encounters?

23 A. Correct.

24 Q. And Mr. Wentz also just said a moment